

ST. CHARLES PARISH
PLANNING BOARD OF COMMISSIONERS
MAY 7, 2015
7:00 P.M.

**CALL TO ORDER
PLEDGE OF ALLEGIANCE**

PUBLIC HEARINGS:

- 1 PZHO-2015-06**
Requested by: Jenniffer DeGruy for a home occupation permit to operate – “Jenniffer Leigh” – a hair salon at 280 Edgewood Lane, Montz. Zoning District R-1A. Council District 6. **This request requires a recommendation from the Planning Commission and approval from the Council. Forward to Council on June 1, 2015.**
- 6 PZHO-2015-07**
Requested by: Kelvin Gros for a home occupation – “Haulin’ Tails Seafood & Catering, LLC” – a seafood wholesaler at 105 Thoroughbred Avenue, Montz. Zoning District R-1A. Council District 6. **This request requires a recommendation from the Planning Commission and approval from the Council. Forward to Council on June 1, 2015.**
- 11 PZSPU-2015-10**
Requested by: Harold L. McElveen for a special permit for outdoor storage associated with a plumbing shop in a C-3 zoning district, 856 Apple Street, Norco. Council District 6. **This request requires Planning Commission approval only.**
- 16 PZSPU-2015-11**
Requested by: Terry J. Morici, Jr. for a special permit for an R-1A use (single-family house) and an automotive glass repair business on an L-shaped Lot at 100 Amelia Street and 12598 River Road. Zoning District C-2. Council District 3. **This request requires Planning Commission approval only.**
- 22 PZR-2015-09**
Requested by: Roxanne Comardelle for a change in zoning classification from W1 to OL on a 1.139 acre portion of Lot 36 Coteau de France (Proposed 519 Ridge Rd), Des Allemands, Council District 4. **This request requires a recommendation from the Planning Commission and approval from the Council. Forward to Council on June 1, 2015.**
- 32 PZR 2015-11**
Requested by: Betty and Donald Muller for a change of zoning from OL to C-2 at Lot B-1A of Loupe Subdivision, 12801 River Road, Luling. Council District 2. **This request requires a recommendation from the Planning Commission and approval from the Council. Forward to Council on June 1, 2015.**
- 38 PZSPU-2015-11**
Requested by: Betty and Donald Muller for a Special Permit use for a duplex/R-3 use in a C-2 zoning district, at 12801 River Road, Luling. Council District 2. **This request requires review and approval from the Planning Commission and supporting resolution of the Council.**
- 42 PZR-2015-12**
Requested by: Wendy Benedetto, Councilwoman District 3 for a change in zoning classification from R-3 and OL to R-1A in Acadian Trace Subdivision (Acadia Lane, Laura Lane, Evangeline Lane, and Valcour Lane). Council District 3. **This request requires a recommendation from the Planning Commission and approval from the Council. Forward to Council on June 1, 2015.**

Requested by: Morales Consulting Group, LLC for resubdivision of Lot 102A, Lakewood West Subdivision into Lots 102A-1, 102A-2 & 102A-3, located at 133 Lakewood Drive, Luling. Zoning District R-3. Council District 7. **This request requires a recommendation from the Planning Commission and approval from the Council. Forward to Council on June 1, 2015.**

Requested by: Paul Hogan, Councilman District 4 to amend Appendix C, the St. Charles Parish Subdivision Regulations of 1981, Section I. General., B. Definitions: Planned Industrial Park and Section V. Administrative., A. Fees, 1, 2, and 4. **This request requires a recommendation from the Planning Commission and approval from the Council. Forward to Council on June 1, 2015.**

OLD BUSINESS
NEW BUSINESS
MINUTES – April 9, 2015
ADJOURN

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: PZHO 2015-06

GENERAL APPLICATION INFORMATION

◆ Name/Address of Applicant:

Jennifer DeGruy
280 Edgewood Ln
Montz, LA 70068

◆ Location of Site:

Same

◆ Applicant's description of business:

Cosmetology Salon

◆ Additional description:

Applicant wishes to operate a beauty shop with one chair, one washbowl, and one dryer in her home. She has been advised that the location must meet the codes of the Building Official, the Fire Marshal, and the Cosmetology Board.

SITE – SPECIFIC INFORMATION

◆ Existing Land Use:

Single-family residence

◆ Surrounding Land Uses and Zoning:

The residence is surrounded by single-family detached houses in a subdivision. Zoning for subdivision and along Evangeline Rd is R-1A. OL zoning exists in lands surrounding the subdivision.

◆ Traffic Access and parking:

The property is developed with a long driveway that can accommodate several vehicles for customers. The subdivision roads can accommodate additional traffic generated by customers with minimal disturbance if business is conducted by appointment only.

APPLICABLE REGULATIONS

Regulations for Home Occupations: Appendix A. Section XXII

B. Permit Process:

1. Pre-Application Orientation: The Planning Director, or his designated staff, shall advise citizens of the regulations for home occupations such as appropriate activities for home occupations, operational regulations, and consequences for violating operational regulations. The Planning Director, or his designated staff, shall determine whether the premises to be permitted is in compliance with the St. Charles Parish code of Ordinances, or what measures must be taken to bring the premises into compliance prior to consideration of an application for a home occupation permit.
2. Application: A citizen who proposes appropriate activities at a residence that is not under citation for violation of this Code may apply for a permit for a home occupation. The fee shall be two hundred dollars (\$200.00). The applicant will agree to follow operational regulations. When an applicant does not own the subject property, the applicant must provide notarized endorsement of the application by the property owner.
3. Departmental Review: The Planning Director, or his designated staff, shall determine whether the proposed activity complies with the operational regulations of this section. The operational regulations are a guideline.
4. Public Notice and Comment:
 - a. Once the Planning Director has determined that the proposed activity meets the general parameters of this code and the operational requirements of this section, the property shall be posted for ten (10) days with a sign stating that the resident has applied for a permit to operate a home occupation and that the Department of Planning and Zoning will receive and record public comment on the application for the same ten (10) calendar days.
 - b. A copy of the application shall be forwarded to the District Councilman and both Councilman-At-Large.
5. Determination: The Planning Director shall consider the nature of the home occupation, the operational regulations, the relationship of the proposed home occupation to neighboring properties, requirements for state permits and licenses, and take one of the following actions:

- a. Issue a Home Occupational Permit with or without written conditions, for those occupations that do not require state permit or license.
 - b. Forward applications requiring state permits or licenses along with a recommendation of the Department to the Planning and Zoning Commission for public hearing and recommendation and to the Parish Council for public hearing and decision.
 - c. Deny the application.
- C. Operational Regulations:
1. All products produced for sale must be hand manufactured or grown on the premises using only hand tools or domestic mechanical equipment. Such domestic mechanical equipment shall not exceed two (2) horsepower per piece of equipment, and the sum total of all such equipment shall not exceed six (6) horsepower. A single kiln shall not exceed eight (8) kilowatts or the equivalent in a gas-fired fixture.
 2. All sales of products, including those produced or grown on the premises, and the performance of all services shall take place off the premises. However, the Planning Director may permit on-premises sales or the performance of services as a condition of a home occupation permit when it may be found that such sales or services will not produce any detrimental effects upon the surrounding neighborhood. This may include but is not limited to snowball stands, tax and legal services. The Department may impose conditions regulating the duration, scope, and size of operation.
 3. There shall be no signs posted which indicate the existence of the home occupation.
 4. No licensed vehicle in excess of one (1) ton (manufacturer's rating), and no more than one (1) licensed motorized vehicle, shall be utilized by any resident of the premises in connection with the home occupation. (Ord. No. 03-8-11, § 1, 8-18-03)
 5. Only the residents of the premises shall be engaged in the home occupation.
 6. There shall be no outdoor storage of materials or products on the premises except as otherwise permitted by the Planning Director. Indoor storage of material or products shall not exceed twenty (20) percent of the gross floor area of the dwelling.
 7. Home occupations, except for horticultural uses, shall be conducted only within a structure on the premises.
 8. The home occupation shall not eliminate required off-street parking.
 9. The home occupation shall not cause any external effect associated with the home occupation, such as increased noise, excessive traffic, excessive lighting, or offensive odor, which is incompatible with the characteristics of the residential zone, or in violation of the revisions of any applicable governmental code. There shall be no illegal discharge of materials, fluids, or gases into the sewer system, or any other manner of discharging such items in violation of any applicable governmental code.
 10. The resident or residents engaged in the home occupation shall possess a current St. Charles Parish Occupational License and health certification from the Parish Health Unit when required. An inspection approval from the State Fire Marshal shall be required when any food preparation requiring ovens or stoves, mechanical equipment, a simple kiln, or gas-fired fixture are necessary for production.
 11. Home occupation activities which include the manufacture, sale, or repair firearms (or any related commercial activity) shall be prohibited in R-2 and R-3 residential zoning districts, and shall be additionally prohibited on residentially zoned lots which contain more than one dwelling unit. (Ord. No. 96-7-4, 96-7-4)
 12. No alcoholic beverages shall be sold or provided in connection with the operation of a home occupation. (Ord. No. 98-8-1, 8-3-98)
 13. Home occupation permit holders shall provide annual evidence of valid occupational licensing as issued by the St. Charles Parish Sheriff's Office. Evidence of occupational licensing shall be provided to the Department of Planning and Zoning by March 31st of each calendar year. (Ord. No. 98-8-14, 8-17-98)

FINDINGS

The applicant completed an application for a home occupation to operate "Jenniffer Leigh" salon in her residential garage on April 2, 2015. Ms. DeGruy had inquired about the permit and approval process in April and was informed that an in-home salon would require a home occupation permit, renovation permit, Fire Marshal approval, and site inspection/approval by either the Cosmetology Board or the Barber Board. Businesses in St. Charles Parish also require a Tax ID and Occupational License.

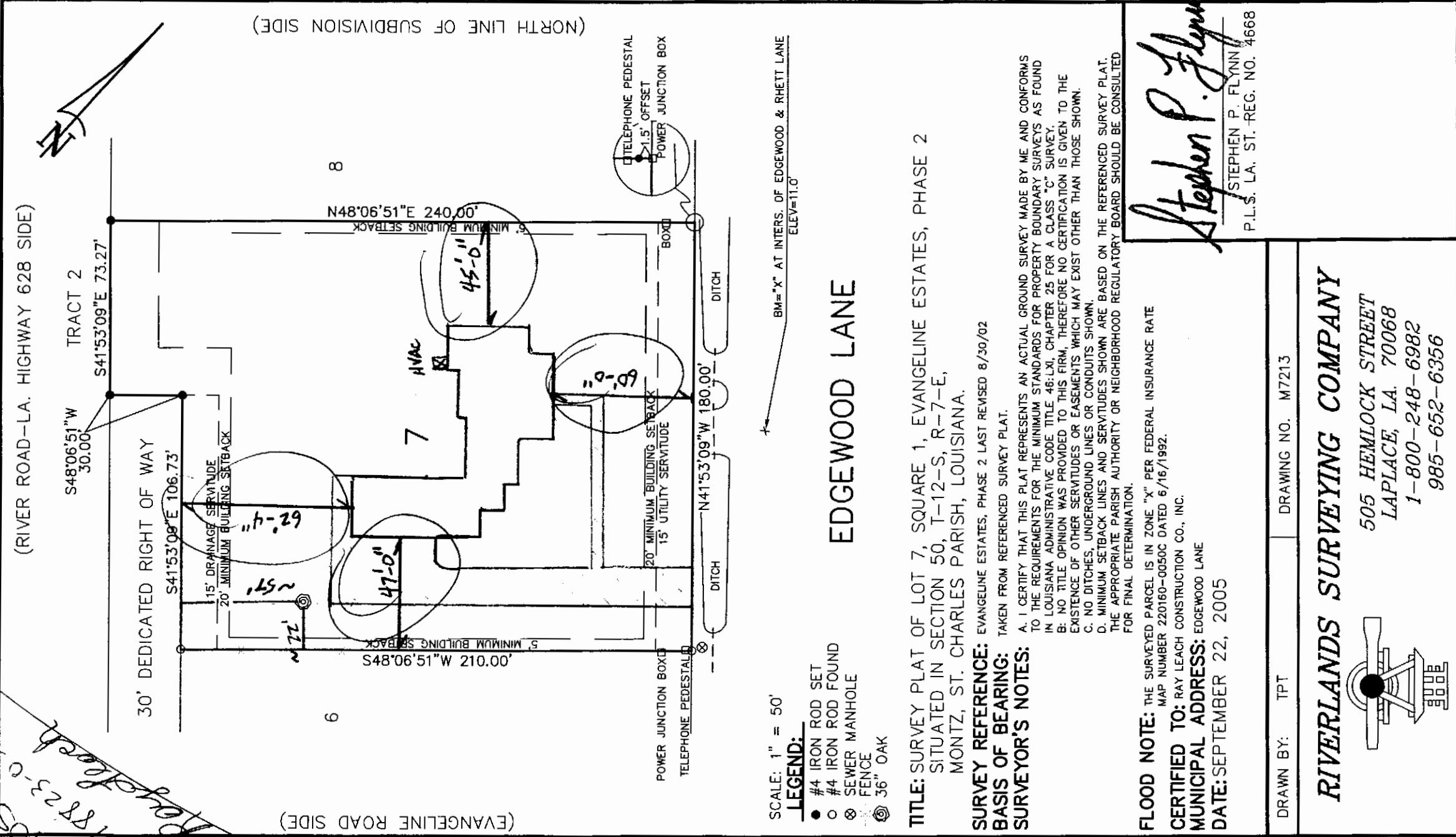
The site is an established garage that is accessible via a paved driveway. The driveway measures approximately 10'-20' x 160', which can accommodate roughly eight (8) double stacked passenger vehicles. The applicant has been advised that issuance of a Home Occupation permit does not negate restrictive covenants and that employees are limited to residents of the house.

Site inspection on March 3, 2015 revealed a code violation on the property in the form of construction of a structure without a permit. The violation, however, is not conflicting with this home occupation application as it is an unrelated structure. Further, Shane DeGruy, spouse of applicant, applied for a renovation permit for the garage on April 22, 2015. The proposed business appears to meet the general parameters of the home occupation regulations.

RECOMMENDATION

Approval contingent upon following conditions:

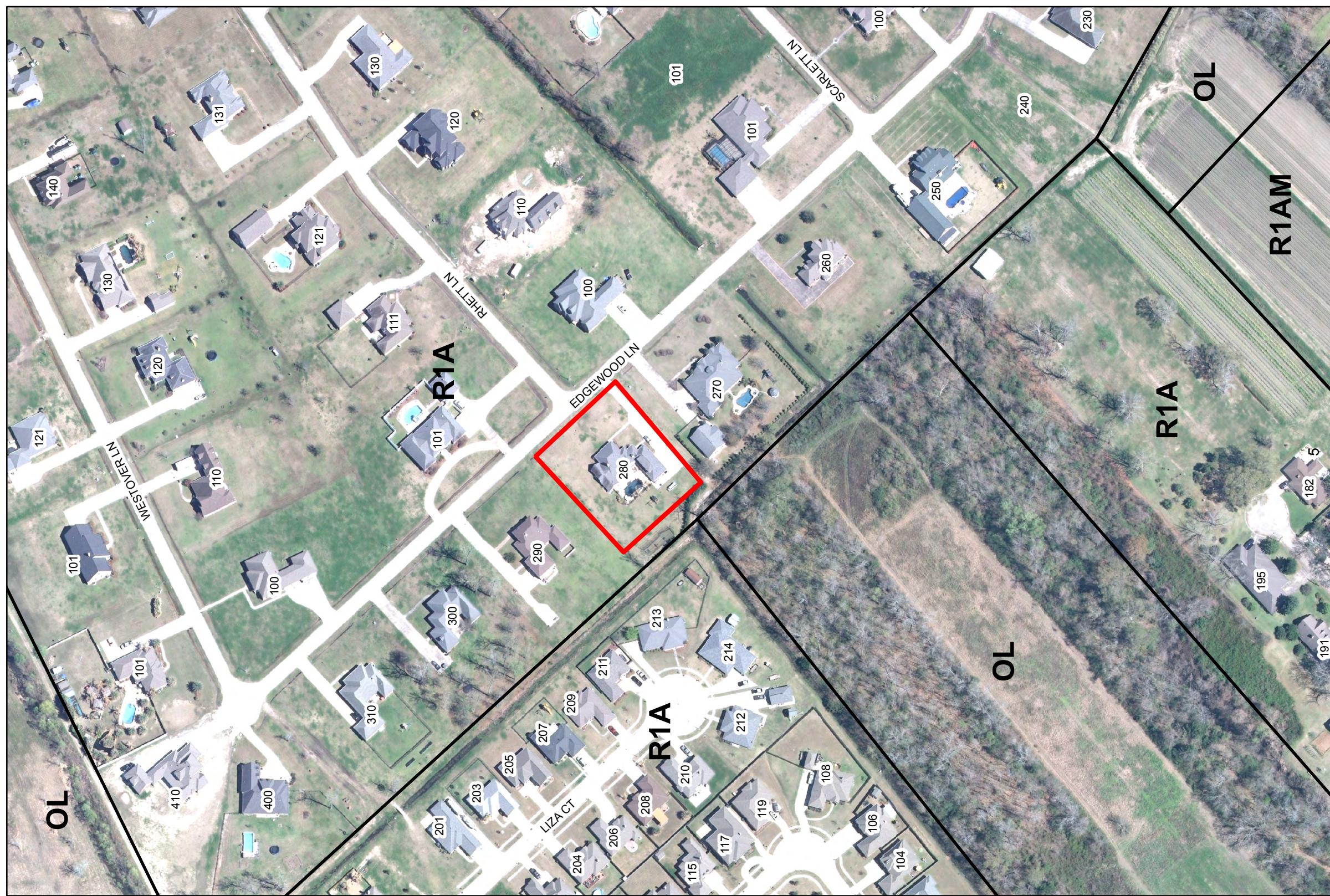
- Customers by appointment only
- No business signs or advertisements on property



PZHO-2015-06
Requested by Jennifer DeGruy
Home Occ for Hair Salon

Feet
400
200
0

N



St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: PZHO 2015-07

GENERAL APPLICATION INFORMATION

- ◆ **Name/Address of Applicant:**
Kelvin Gros
105 Thoroughbred Ave
Montz, LA 70068
504.296.4334
- ◆ **Location of Site:**
105 Thoroughbred Ave, Montz, LA 70068
- ◆ **Applicant's description of business:**
“Seafood wholesale”--seafood is picked up from the docks and delivered to local stores and restaurants throughout the New Orleans area. The product is delivered directly out of Haulin’ Tails trucks. Catering is not part of the business and there is no preparation of food with the business. No processing or business is done at the property.

SITE – SPECIFIC INFORMATION

- ◆ **Existing Land Use:**

Single-family residence

- ◆ **Surrounding Land Uses and Zoning:**

R-1A zoning and single-family residences about along Thoroughbred Ave in the Dixieland subdivision. Property to the rear (fronting River Rd) is zoned C-1, but is currently occupied by a single-family residence.

- ◆ **Traffic Access and parking:**

The residence has parking for roughly six vehicles. There are two driveways on the property, a double driveway on the riverside and a single driveway on the lakeside. There is no parking permitted directly on Thoroughbred Ave as it is a narrow residential street.

APPLICABLE REGULATIONS

Regulations for Home Occupations: Appendix A. Section XXII

B. Permit Process:

1. Pre-Application Orientation: The Planning Director, or his designated staff, shall advise citizens of the regulations for home occupations such as appropriate activities for home occupations, operational regulations, and consequences for violating operational regulations. The Planning Director, or his designated staff, shall determine whether the premises to be permitted is in compliance with the St. Charles Parish code of Ordinances, or what measures must be taken to bring the premises into compliance prior to consideration of an application for a home occupation permit.
2. Application: A citizen who proposes appropriate activities at a residence that is not under citation for violation of this Code may apply for a permit for a home occupation. The fee shall be two hundred dollars (\$200.00). The applicant will agree to follow operational regulations. When an applicant does not own the subject property, the applicant must provide notarized endorsement of the application by the property owner.
3. Departmental Review: The Planning Director, or his designated staff, shall determine whether the proposed activity complies with the operational regulations of this section. The operational regulations are a guideline.
4. Public Notice and Comment:
 - a. Once the Planning Director has determined that the proposed activity meets the general parameters of this code and the operational requirements of this section, the property shall be posted for ten (10) days with a sign stating that the resident has applied for a permit to operate a home occupation and that the Department of Planning and Zoning will receive and record public comment on the application for the same ten (10) calendar days.

- b. A copy of the application shall be forwarded to the District Councilman and both Councilman-At-Large.
- 5. Determination: The Planning Director shall consider the nature of the home occupation, the operational regulations, the relationship of the proposed home occupation to neighboring properties, requirements for state permits and licenses, and take one of the following actions:
 - a. Issue a Home Occupational Permit with or without written conditions, for those occupations that do not require state permit or license.
 - b. Forward applications requiring state permits or licenses along with a recommendation of the Department to the Planning and Zoning Commission for public hearing and recommendation and to the Parish Council for public hearing and decision.

C. Deny the application.

C. Operational Regulations:

1. All products produced for sale must be hand manufactured or grown on the premises using only hand tools or domestic mechanical equipment. Such domestic mechanical equipment shall not exceed two (2) horsepower per piece of equipment, and the sum total of all such equipment shall not exceed six (6) horsepower. A single kiln shall not exceed eight (8) kilowatts or the equivalent in a gas-fired fixture.
2. All sales of products, including those produced or grown on the premises, and the performance of all services shall take place off the premises. However, the Planning Director may permit on-premises sales or the performance of services as a condition of a home occupation permit when it may be found that such sales or services will not produce any detrimental effects upon the surrounding neighborhood. This may include but is not limited to snowball stands, tax and legal services. The Department may impose conditions regulating the duration, scope, and size of operation.
3. There shall be no signs posted which indicate the existence of the home occupation.
4. No licensed vehicle in excess of one (1) ton (manufacturer's rating), and no more than one (1) licensed motorized vehicle, shall be utilized by any resident of the premises in connection with the home occupation. (Ord. No. 03-8-11, § 1, 8-18-03)
5. Only the residents of the premises shall be engaged in the home occupation.
6. There shall be no outdoor storage of materials or products on the premises except as otherwise permitted by the Planning Director. Indoor storage of material or products shall not exceed twenty (20) percent of the gross floor area of the dwelling.
7. Home occupations, except for horticultural uses, shall be conducted only within a structure on the premises.
8. The home occupation shall not eliminate required off-street parking.
9. The home occupation shall not cause any external effect associated with the home occupation, such as increased noise, excessive traffic, excessive lighting, or offensive odor, which is incompatible with the characteristics of the residential zone, or in violation of the revisions of any applicable governmental code. There shall be no illegal discharge of materials, fluids, or gases into the sewer system, or any other manner of discharging such items in violation of any applicable governmental code.
10. The resident or residents engaged in the home occupation shall possess a current St. Charles Parish Occupational License and health certification from the Parish Health Unit when required. An inspection approval from the State Fire Marshal shall be required when any food preparation requiring ovens or stoves, mechanical equipment, a simple kiln, or gas-fired fixture are necessary for production.
11. Home occupation activities which include the manufacture, sale, or repair firearms (or any related commercial activity) shall be prohibited in R-2 and R-3 residential zoning districts, and shall be additionally prohibited on residentially zoned lots which contain more than one dwelling unit. (Ord. No. 96-7-4, 96-7-4)
12. No alcoholic beverages shall be sold or provided in connection with the operation of a home occupation. (Ord. No. 98-8-1, 8-3-98)
13. Home occupation permit holders shall provide annual evidence of valid occupational licensing as issued by the St. Charles Parish Sheriff's Office. Evidence of occupational licensing shall be provided to the Department of Planning and Zoning by March 31st of each calendar year. (Ord. No. 98-8-14, 8-17-98)

FINDINGS

The applicant completed an application for a home occupation to operate "Haulin' Tails Seafood & Catering" on March 30, 2015. According to the Louisiana Secretary of State's Office, Haulin' Tails Seafood & Catering LLC has been licensed to Kelvin Gros at 105 Thoroughbred Ave since May 8, 2009.

The applicant indicated he wishes to use the existing driveways on the property for the business, including three (3) trucks, and an ice machine/cooler. Such a business requires a LA Wildlife & Fisheries license for each refrigerated truck. The applicant has been advised that issuance of a Home Occupation permit does not negate restrictive covenants.

The applicant's proposed business is not in compliance with the following Home Occupation Operational Regulations:

1. *All products produced for sale must be hand manufactured or grown on the premises using only hand tools or domestic mechanical equipment. Such domestic mechanical equipment shall not exceed two (2) horsepower per piece of equipment, and the sum total of all such equipment shall not exceed six (6) horsepower. A single kiln shall not exceed eight (8) kilowatts or the equivalent in a gas-fired fixture.*

equipment shall not exceed two (2) horsepower per piece of equipment, and the sum total of all such equipment shall not exceed six (6) horsepower. A single kiln shall not exceed eight (8) kilowatts or the equivalent in a gas-fired fixture. Crawfish, as a product, is not hand manufactured or grown on the premises.

3. *There shall be no signs posted which indicate the existence of the home occupation. The trucks double as business signs for Haulin' Tails.*
4. *No licensed vehicle in excess of one (1) ton (manufacturer's rating), and no more than one (1) licensed motorized vehicle, shall be utilized by any resident of the premises in connection with the home occupation.* Applicant requests to use three (3) licensed motor vehicles in connection with home occupation.

9. *The home occupation shall not cause any external effect associated with the home occupation, such as increased noise, excessive traffic, excessive lighting, or offensive odor, which is incompatible with the characteristics of the residential zone, or in violation of the revisions of any applicable governmental code. There shall be no illegal discharge of materials, fluids, or gases into the sewer system, or any other manner of discharging such items in violation of any applicable governmental code.* Trucks are visibly noticeable and may be undesirable in the residential subdivision

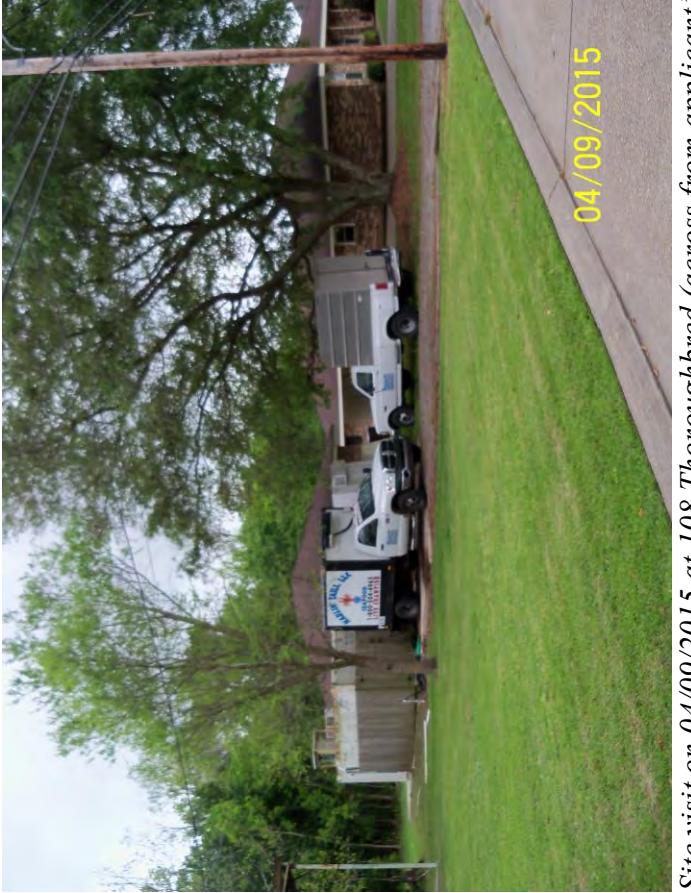
A Cease and Desist (C&D) notification was placed on the property on April 17, 2015. This C&D pertained to Haulin' Tails operating without a home occupation permit and business license.

According to Section XXII – Regulations for home occupation, a *home occupation is an accessory use of a dwelling unit, conducted by one (1) or more persons who reside at the property in question. The home occupation is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part.* The proposed application for Haulin Tails describes a business use that is beyond the scope of a home occupation. The presence of three large commercial trucks on one residential property surrounded by similar properties is changing the character of the permitted uses in the district.



04/07/2015

Site visit on 04/07/2015 at 105 Thoroughbred. One of three commercial trucks shown.



Site visit on 04/09/2015 at 108 Thoroughbred (across from applicant's property). Two of three commercial trucks shown.

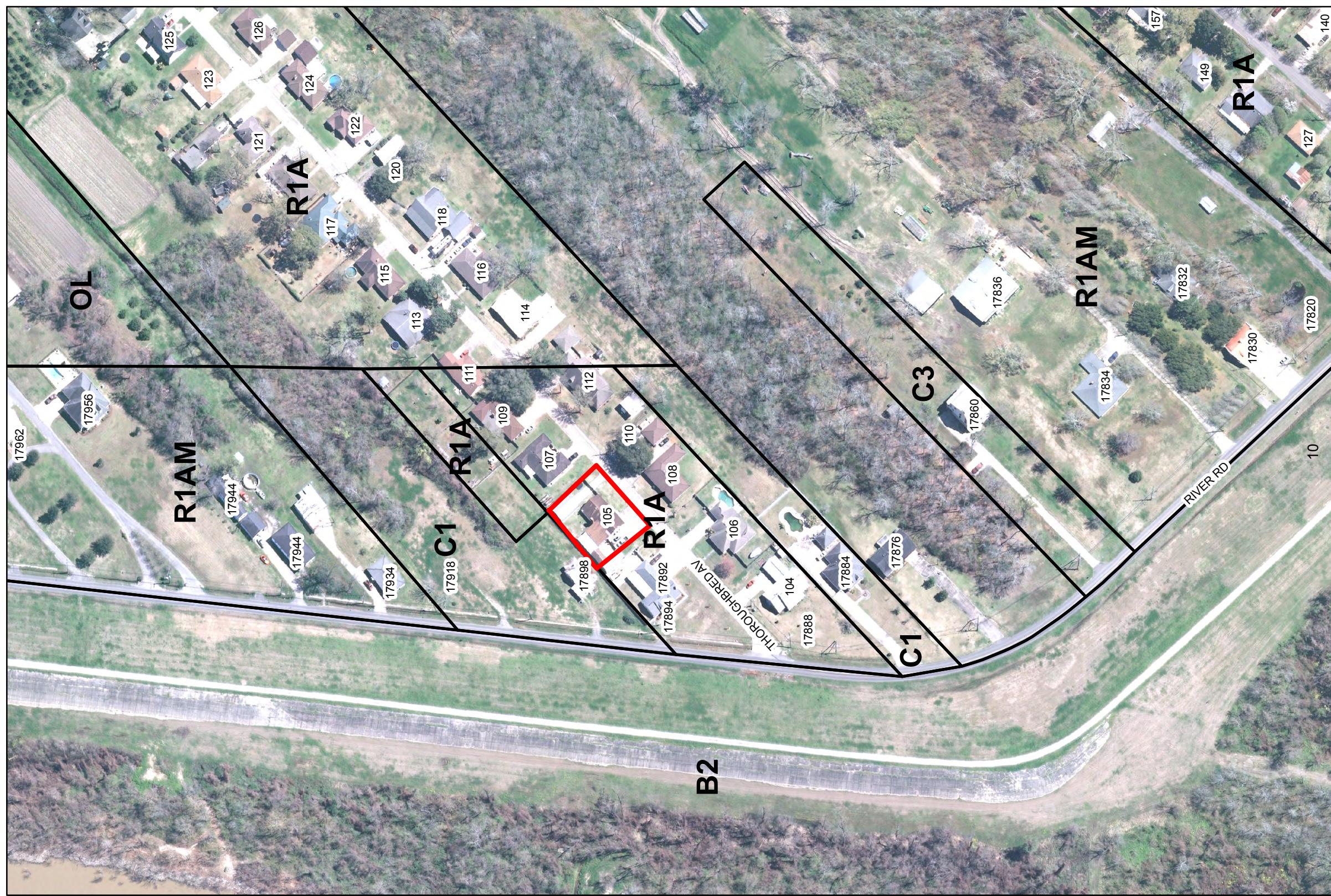
Based on the aforementioned violations of the home occupation operational regulations, this application for a home occupation permit is recommended for denial.

DEPARTMENT RECOMMENDATIONS

Denial.

PZHO-2015-07
Requested by Kelvin Gross
Home Occ for Seafood Wholesale

0 200 400 Feet
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St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: PZSPU-2015-08

GENERAL APPLICATION INFORMATION

◆ Name/Address of Applicant/Owner:

Harold L. McElveen
856 Apple Street
Norco, LA 70079

◆ Location of Site:

1. Lot in subdivision of Lot E, Good Hope Plantation. Said Lot begins 500' from Intersection of Ave E and 8th St, 150' towards U.S. 61 by 40.16' deep. (.11 acres)-less part sold (25' sold on Ave E)
2. Lot in subdivision of Lot E, 600' from intersection of Ave E & 8th St measuring 100' toward U.S. 61 by 40.16' deep (.09) (prop. located off 8th St)

◆ Requested Action:

Special permit for outdoor storage in a C-3 zoning district. Applicant seeks to store 2 backhoes, 3 work trucks, 1 personal truck, a utility trailer, and excess PVC piping.

SITE – SPECIFIC INFORMATION

◆ Size of site:

The site is comprised of one lot, approximately 40' x 250' or 10,000 sf.

◆ Existing Land Use and zoning:

The property in zoned within a C-3 zoning district. It currently serves as a plumbing contracting business and personal residence (prescribed use) of the applicant.

◆ Surrounding Land Uses and Zoning:

The site is surrounded by C-3 zoning as well as across Apple St towards Airline (U.S. 61). Parcels immediately across Apple St from the property are zoned R-1A.

◆ Plan 2030 Future Land Use Category on the property:

Mixed Use Corridor

◆ Utilities:

Standard utilities serve the site.

◆ Traffic Access:

The site has ~150' of frontage on Apple St, a well-maintained collector street. The property features a gravel parking area that can fit approximately three vehicles. There is also a single driveway that can accommodate approximately one vehicle.

Per the Zoning Ordinance, parking requirements are the following:

- Single-family parking: 2 spaces per dwelling
- General service or repair establishment: 1 space per 2 employees, plus 1 for each business vehicle

APPLICABLE REGULATIONS

- Appendix A, Section IV.9: Review and evaluation criteria/special permit use and special exception use: The appropriate decision-making agent and/or body shall review and evaluate each application based upon the following **relevant** criteria:
- a. Comparison with applicable standards established by the Comprehensive Land Use Plan as applied to the proposed use and site.
 - b. Compatibility with existing or permitted uses on abutting sites, in terms of building construction, site development, and transportation related features.
 - c. Potentially unfavorable effects or impact on other existing conforming or permitted uses on abutting sites, to the extent such impacts exceed those impacts expected from a standard permitted use in the applicable zoning district.
 - d. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area considering existing zoning and uses in the area.
 - e. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

- f. Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.
- g. Conformity with the objectives of these regulations and the general purposes of the zone in which the site is located.
- h. That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.

The above criteria listed in a—g is to be considered illustrative and not restrictive, and other criteria may be considered although not specifically listed above if said criteria affects [affect] the general welfare and safety of the public at large.

ANALYSIS

The applicant requests a Special Permit for outdoor storage on property within a C-3 zoning district. The applicant seeks to store 2 backhoes, 3 work trucks, 1 personal truck, a utility trailer, and excess PVC piping. The property consists of a building measuring approximately 30' x 100', a driveway measuring roughly 25' x 12', and a parking area measuring approximately 30' x 45'. The building houses Pete & Whitey's Plumbing Company, LLC and the applicant's personal residence. The applicant's residence is a prescribed use.

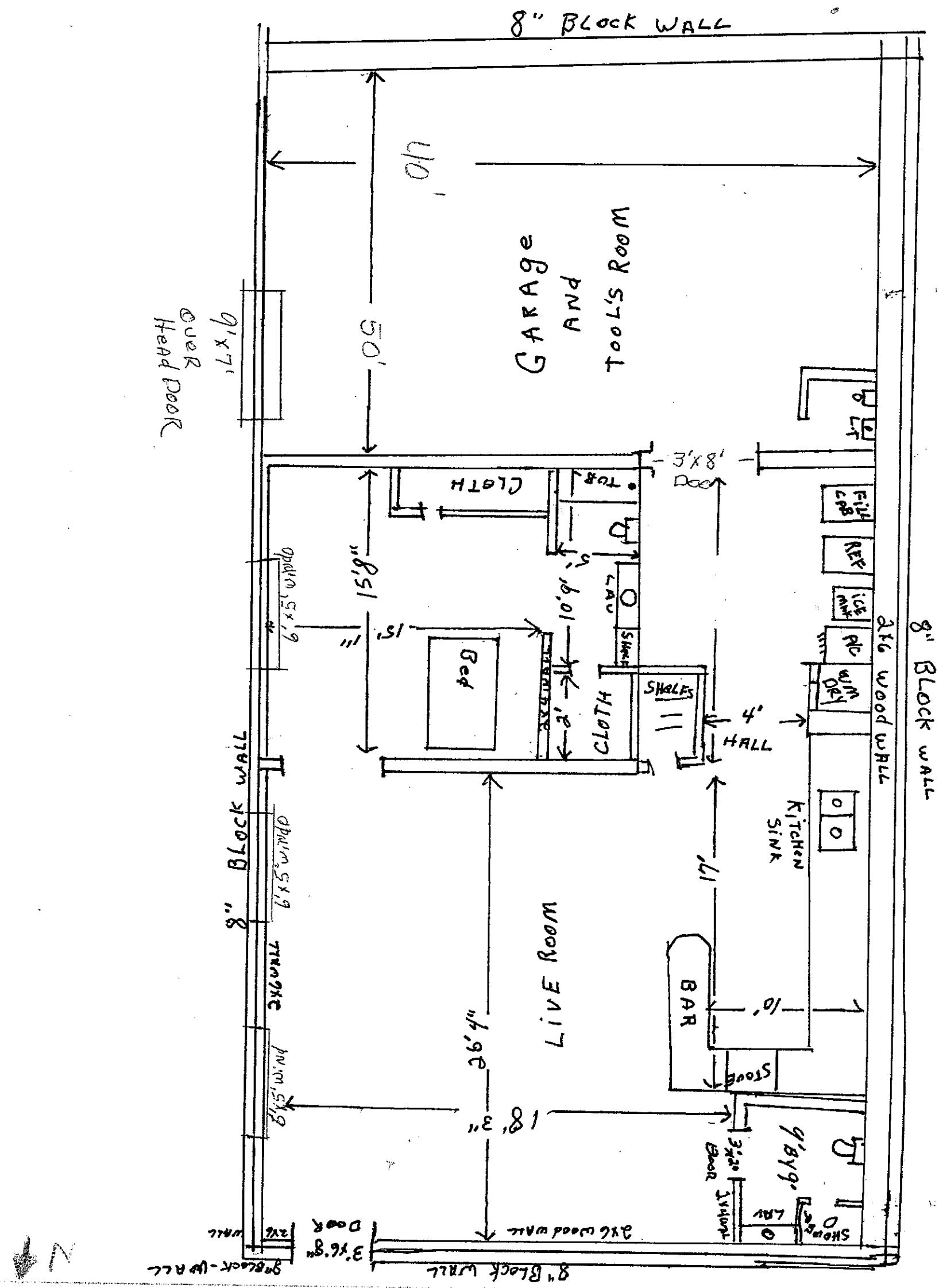
Generally, the Planning and Zoning Department recommends approval of a Special Permit when it meets a majority of eight evaluation criteria a-h. When an applicant requests approval of a specific use, many of the evaluation criteria are not relevant as most address site design. However, the criteria are meant to be illustrative and not restrictive, and other criteria may be considered. Again, in this case, the general welfare and safety of the public at large will not be negatively impacted by properly managed and contained outdoor storage at this location.

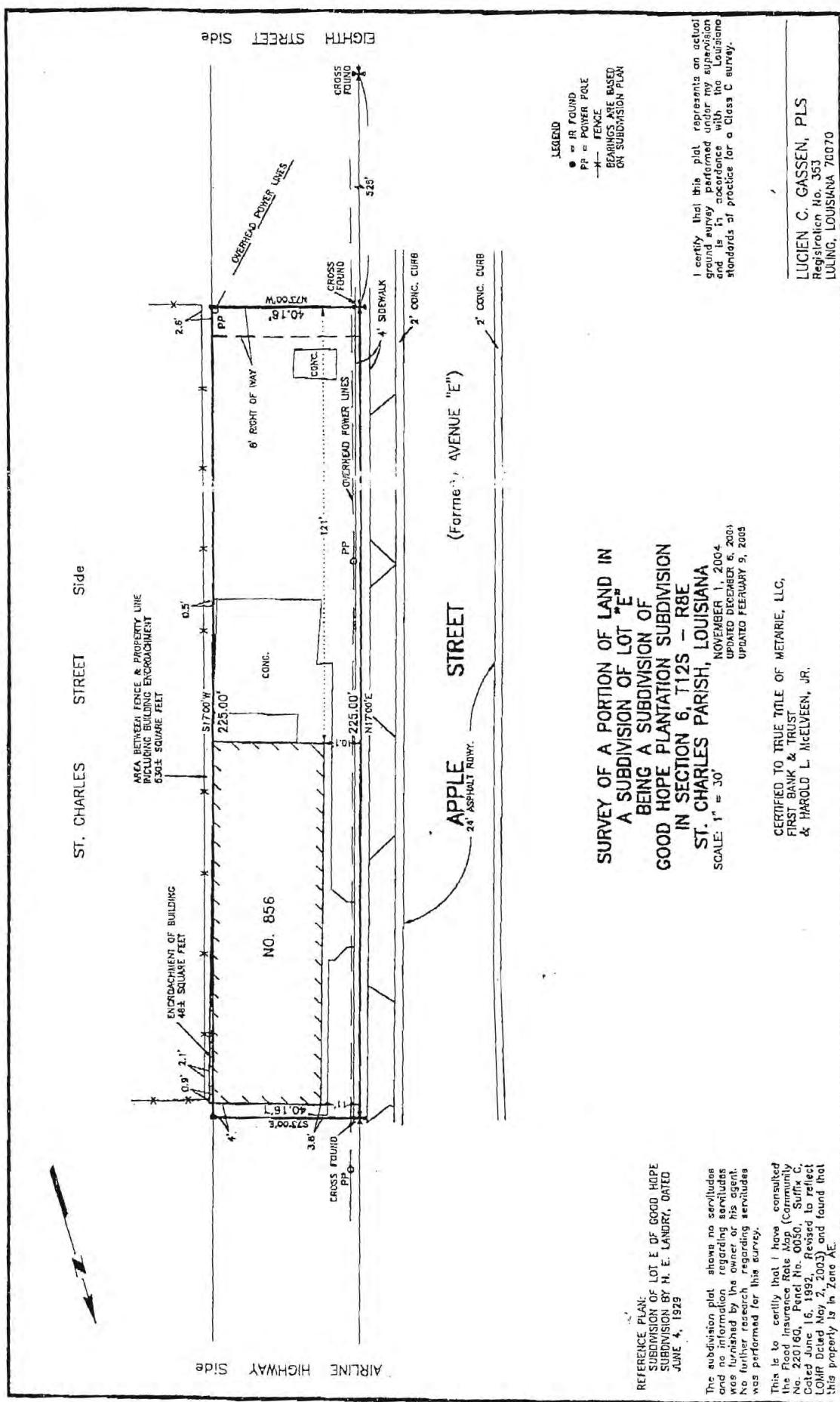
- a. *Comparison with applicable standards established by the Comprehensive Land Use Plan as applied to the proposed use and site.* The request does not conflict with the recommendations of the Comprehensive Plan for the Apple Street mixed use corridor.
- b. *Compatibility with existing or permitted uses on abutting sites, in terms of building construction, site development, and transportation related features.* The building is generally compatible with the surrounding neighborhood. Site improvements for parking and the outdoor storage area will have to be reviewed upon submittal of a site plan.
- c. *Potentially unfavorable effects or impact on other existing conforming or permitted uses on abutting sites, to the extent such impacts exceed those impacts expected from a standard permitted use in the applicable zoning district.* A plumbing shop is a permitted use in the C-3 zoning district. Outdoor storage for the plumbing shop would not exceed the impacts expected of a plumbing shop if the stores materials are kept in a contained area that is reasonably aesthetic from the street. This requires a site plan illustrating the location and fence scheme of the intended outdoor storage area.
- d. *Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area considering existing zoning and uses in the area.* While this criterion cannot be fully evaluated without a site plan, the business is a contracted plumbing service. Heavy traffic to and from the business is not expected.
- e. *Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.* This criterion cannot be evaluated without a site plan showing intended location and fence scheme of outdoor storage area.
- f. *Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.* This criterion cannot be evaluated without a site plan.
- g. *Conformity with the objectives of these regulations and the general purposes of the zone in which the site is located.* The C-3 Highway commercial district allows plumbing shops with the special permit use of outdoor storage.
- h. *That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.*

DEPARTMENTAL RECOMMENDATION

Approval with the following conditions:

1. Site plan is created to show intended outdoor storage area, fence scheme, and parking enhancements—site plan to be approved by the Department of Planning & Zoning.
2. Outdoor storage for vehicles and construction equipment only—all plumbing/building materials should be stored within the existing structure.
3. Business license is obtained.
4. Fire Marshal inspection.





0 200 400 Feet N



St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: PZSPU 2015-11

GENERAL APPLICATION INFORMATION

- ◆ Name/Address of Applicant
 - Terry Morici, Jr.
12598 River Road
Destrehan, LA 70047
504.906.7711; terry@goodduyglass.com
- ◆ Location of Site: 12598 River Road, Destrehan.
- ◆ Requested Action: Special Permit Use for residential use and auto repair in a C-2 zone.

SITE – SPECIFIC INFORMATION

- ◆ Plan 2030 Recommendation: General Commercial
- ◆ Size of Parcel: Approximately 16,700 sq. ft.
- ◆ Traffic Access: River Road and Amelia Street
- ◆ Utilities: Standard Parish and private/telecommunication utilities serve the property.
- ◆ Existing Land Use and Zoning: C-2, snowball stand on River Road; portion with Amelia Street frontage is vacant. The site is an irregularly-shaped lot. Originally a platted as a 150' x 150' "Commercial Lot" to serve Gabrielle Heights with a 20' wide parking strip along River Road, and also frontage on Amelia Street, it became an L-shaped lot when the corner was sold for a doctor's office.
- ◆ Surrounding Land Uses and Zoning: C-2 zoning and uses abut to the east and west, up and down River Road. R-1A zoning with space single-family residential uses abut to the north.

APPLICABLE REGULATIONS

Appendix A., Zoning Ordinance, Section VI.

C. [III] C-2 General commercial district:

1. Use Regulations:

c. Special permit uses and structures:

- (1) R-1A and R-1B uses upon review and approval by the Planning Commission.
- (4) Motor Vehicle repair. Automobile sales and service on designated federal and state highways; body repair activities being strictly prohibited in the C2 zoning district.

AND

Appendix A, Zoning Ordinance, Section IV.

9. Review and evaluation criteria/special permit use and special exception use: The appropriate decision-making agent and/or body shall review and evaluate each application based upon the following relevant criteria:

- a. Comparison with applicable standards established by the Comprehensive Land Use Plan as applied to the proposed use and site.
- b. Compatibility with existing or permitted uses on abutting sites, in terms of building construction, site development, and transportation related features.
- c. Potentially unfavorable effects or impact on other existing conforming or permitted uses on abutting sites, to the extent such impacts exceed those impacts expected from a standard permitted use in the applicable zoning district.
- d. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area considering existing zoning and uses in the area.
- e. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.
- f. Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.

- g. Conformity with the objectives of these regulations and the general purposes of the zone in which the site is located.
 - h. That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.
- The above criteria listed in a-g is to be considered illustrative and not restrictive, and other criteria may be considered although not specifically listed above if said criteria affects [affect] the general welfare and safety of the public at large.

ANALYSIS

The applicant requests a special permit to domicile an auto glass repair business and locate a single-family residence on an L-shaped lot he is in the process of inheriting. The property currently has a snoball stand operating at 12598 River Road. The State Sanitarian indicates that floor plan changes will be necessary for the building to accommodate both the snoball stand and the glass business.

The applicant proposes to do the glass work in the rear yard of the existing building and only minor repairs in the front parking lot. He hopes to permit a building for the business at some point in the future. The residence he wished to permit as soon as possible is a 16' x 40' wood frame building to be moved to the northwest portion of the property, placed on a permanent foundation, and finished for residential use. Access will be from Amelia Street and will be shared with vehicle large and small for glass installation.

The submitted site plan indicates the locations of the existing commercial building and parking lot, an existing 18' x 20' carport, and a proposed 16' x 40' residence and driveway. Using the Gabriel Heights Subdivision map and the description of land sold from the property in 1951 in the "Legal Description Addendum" to the Morici deed to the property, the lot appears to have 67' width on River Road and 51' width on Amelia Street. The applicant has been advised that a 6' high solid fence and 10' wide landscaped buffer is required along the northern property line where the property abuts residential zoning and/or use. The existing 18' x 20' carport is not visible on 2014 aerial photography; it was installed in error without a building permit. The applicant is in the process of obtaining a building permit for it.

The Planning Department generally recommends approval of a Special Permit when it meets a majority of eight evaluation criteria. With the submitted site plan, the request meets the following six criteria:

Criterion a reviews compatibility with the future land use plan, which recommends neighborhood commercial on the lot. Because the applicant proposes permitting an office for the business in the existing building with the snoball stand, the glass business is not likely to be out of scale with the rest of the neighborhood. The Department recommends a number of restrictions to ensure the business remains neighborhood scale. Snoball stands are certainly a neighborhood commercial use. Adding a residence to the property will make the site a live-work site. Economic development recommendations call for workforce housing and live-work units. Land Use recommendations encourage diversity in the housing stock. As long as the repair business remains small in scale, the request is compatible with the Comprehensive Land Use Plan.

Criterion b reviews compatibility with the existing neighborhood. Regarding the auto glass repair business, the department has issued several permits for home-based auto glass repair businesses in recent years. This type of business often provides services at customer's workplaces, and does not generally require loud equipment or outdoor storage of materials. As no new structures are proposed for the business at this time, the business is unlikely to be out of character with the neighborhood.

Regarding the residence, the building the applicant proposes is small in scale (16' x 40'). It has been called a Katrina Cottage; a portable, unfinished cabin; and a shed. Gabrielle Heights and the surrounding neighborhood were platted in the 50s. The area is characterized by modest houses—1500-2500 square feet, on deep lots (60' x 150'). It's covered by a mature tree canopy and has mature gardens. About half the houses are raised on piers, and half on slab foundations.

If the building is un-finished, but used as a residence, it could be it incompatible with the neighborhood. The particular building the applicant proposes is reportedly finished as a house, but has been repossessed. At the time of writing this report, staff has requested pictures of the structure. Considering the proposed location is close to River Road and could be considered to be in the backyard of two commercial buildings, the location may minimize incompatibility with the residential area.

Criterion c seeks to minimize impacts from incompatible or overly intense uses. The department recommends several stipulations to discourage the business from growing larger than the property can accommodate.

Criteria d & f seek to minimize traffic congestion and provide for safe, convenient vehicular and pedestrian movement. As the site already is developed with a commercial structure that currently provides six (6) parking stalls with 67' of width on River Road, it is unlikely that traffic congestion will occur. The submitted site plan indicates a driveway designed to get motor vehicles of all sizes off Amelia Street and onto the property safely and conveniently.

Criterion e seeks to prevent hazards like noise, flooding, and glare. Any structures and further site development will have to be permitted through the commercial building permit process which requires plans approvals of the Building Official, State Fire Marshal, Planning section, Parish Engineer (drainage), and Department of Health and Hospitals/Office of the Sanitarian. Potential flood and fire hazards are generally mitigated through these plans reviews and the permit process. The business is not likely to generate noise other than vehicles entering and exiting the site. The applicant will be advised to direct lighting to the property without casing glare. The applicant has been advised that the driveway along the northern property line must be at least 10' off the property line, and that 10' must be planted with buffer plants. The site plan shows vehicles for repair will enter on Amelia Street and be serviced in the rear yard.

Criterion h seeks to minimize impacts of intense uses and to provide a means to make conditions on a Special Permit to minimize any impacts.

DEPARTMENTAL RECOMMENDATIONS

Approval with the following stipulations:

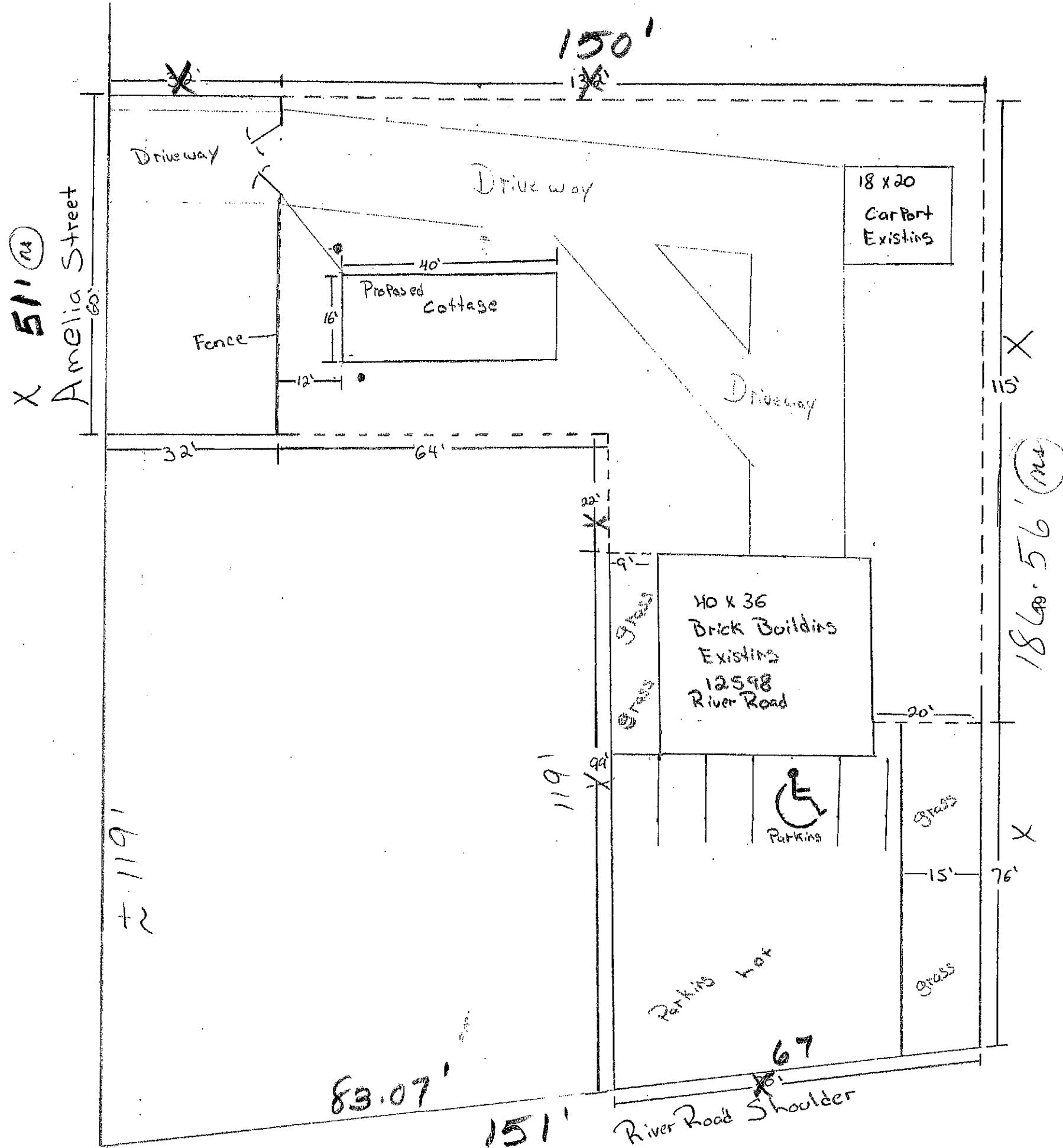
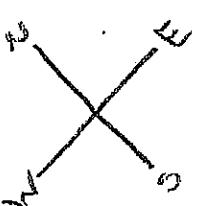
1. The carport must be properly permitted (this may require it to be relocated).
2. The residential building must be adequately finished to resemble a house.
3. Automotive repair is strictly limited to glass replacement and repair.
4. Glass replacement activity is restricted to the rear yard.
5. A 6' high solid wood or masonry fence with a 10' wide landscaped buffer must be installed along the northern property line where the property abuts residential zoning.
6. Passenger vehicles may be parked in the front parking lot for customer pick up.
7. Large vehicles & non-passenger vehicles cannot be parked in the front parking lot for service or while awaiting customer pick up.
8. As long as the auto glass repair operates on the site, any additional structures must be approved by the Planning and Zoning Commission.
9. Site plan adjustments that may be required by any review agencies may be approved by the Planning Director during the permit process.

50' frontage on Amelia Street.

67' frontage on River Road.

Dotted line represents Penciled Property Line.

1/16 of an inch equals 1 foot.



WE THE UNDERSIGNED OWNERS OF THE PROPERTY SHOWN HEREON DO HEREBY
DEDICATE TO AND FOR PUBLIC USE ALL STREETS SHOWN ON THIS PLAN.

DESTRAHAN, LA.

Aug 14, 1951

Henry Rider
V. Belimpio

APPROVED AND ACCEPTED BY THE POLICE JURY OF ST. CHARLES PARISH

Aug 14, 1951

V. Belimpio
PRESIDENT

PARISH ENGINEER

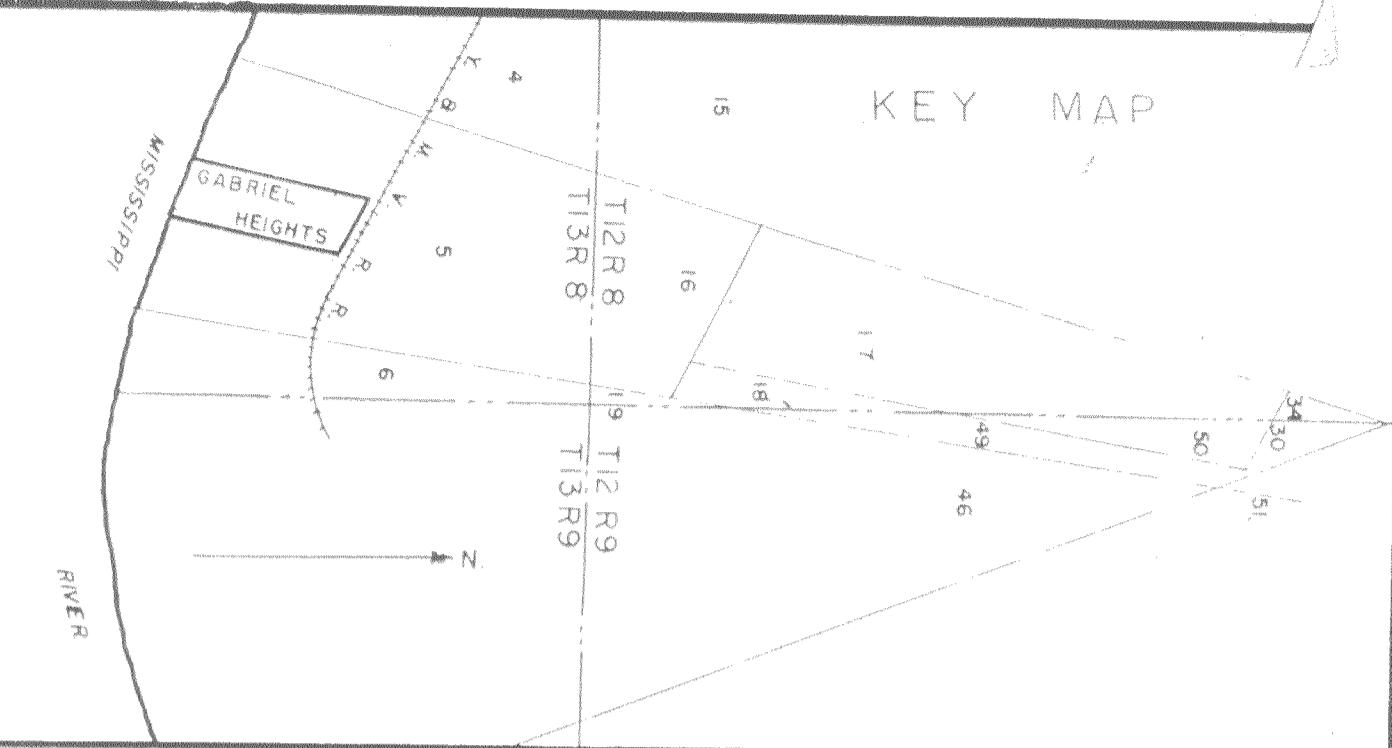
GABRIEL HEIGHTS

LOCATED IN SECTION 5 T. 13 R. 8 E. S. E. DISTRICT OF LA. EAST OF
MISS. RIVER, ST. CHARLES PARISH, LA. CERTIFIED CORRECT.

NEW ORLEANS, LA.
AUGUST 9, 1951

A.C. Landry
C.E. 585

1" = 100'



MISS. RIVER

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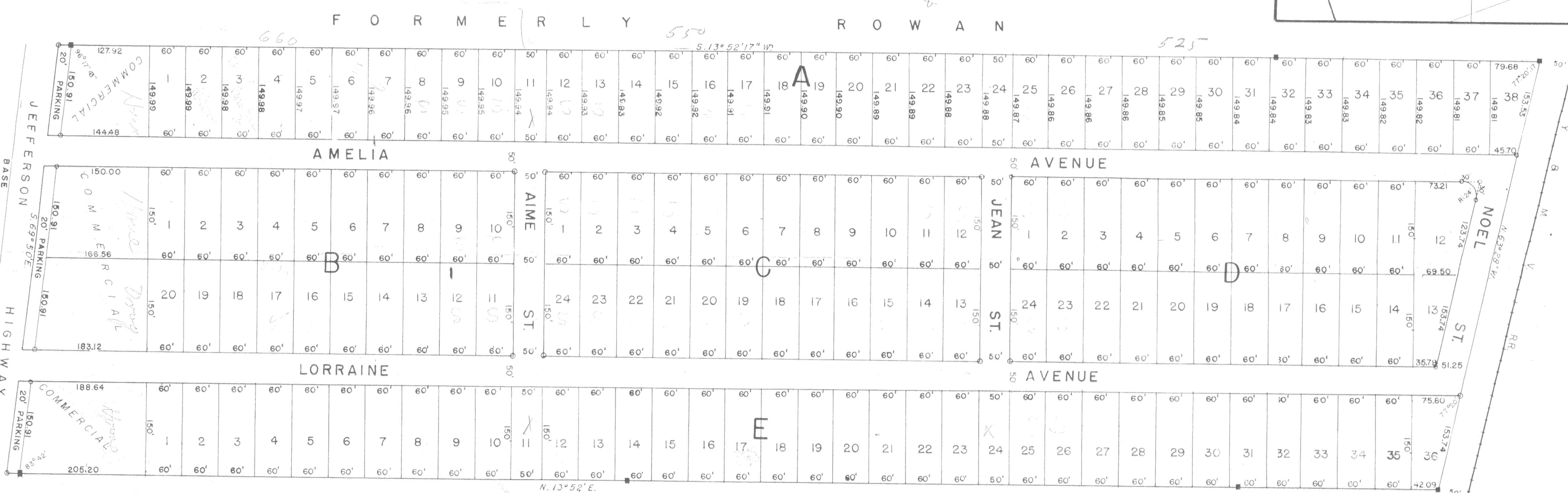
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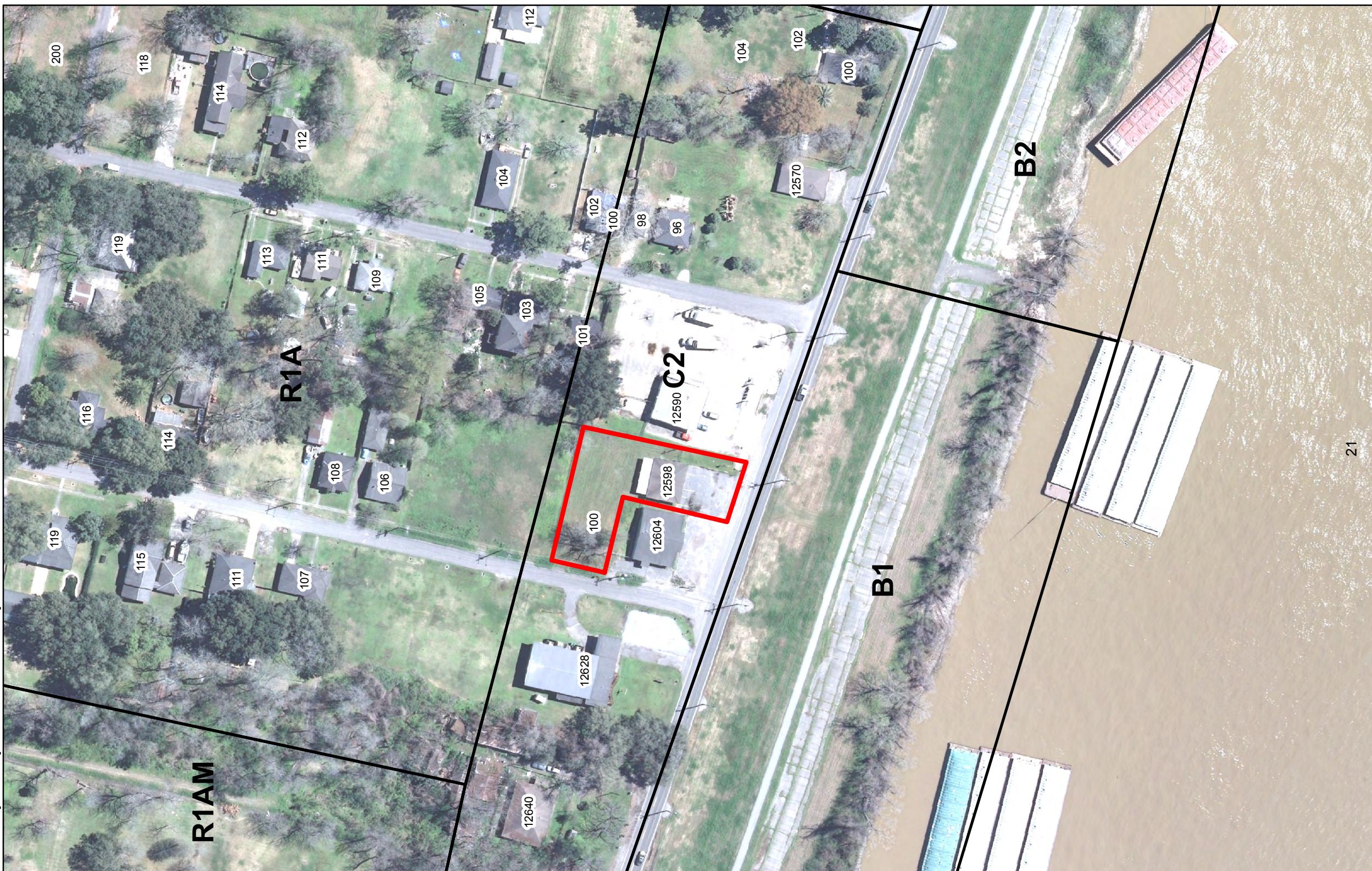
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PZS 2015-11
Requested by Terry Morici, Jr.
For a special permit for auto repair & house in a C2 zone



St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: PZR 2015-09

GENERAL APPLICATION INFORMATION

Application Date: 3/6/15

◆ Name/Address of Applicant:

Roxanne & Rory Comardelle

128 Carlton Dr

Des Allemands LA 70030

985.758.7279 985.233.1567 985.233.9978

◆ Location of Site:

Ridge Road, approximately 2,300 feet beyond Fols Street, Des Allemands.

◆ Requested Action

Rezone from W-1 to OL.

◆ Purpose of Requested Action

Single-family residential

SITE - SPECIFIC INFORMATION

◆ Size of Parcel

A 1.139 acre portion of a 17.949 acre lot.

◆ Existing Land Use and Zoning

W-1 & vacant.

◆ Surrounding Land Uses and Zoning

Site is surrounded on 3 sides with W-1 zoning and land use; across railroad tracks and Old Spanish Trail, the zoning is R-1AM but land uses are vacant.

◆ Traffic Access and Parking

Ridge Road.

◆ Plan 2030 Recommendations:

Wetlands.

APPLICABLE REGULATIONS

Appendix A, Zoning Ordinance, Section IV.9:

Rezoning Guidelines and Criteria: Before the Planning & Zoning Commission recommends or the Parish Council rezones property, there should be reasonable factual proof by the proponent of a change that one or more of the following criteria are met:

1. Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the proponent's property and adjacent property. Reasonableness is defined as:

- a. Land use the same as, or similar to that existing or properties next to, or across the street from the site under consideration.
 - b. Consideration of unique or unusual physical or environmental limitations due to size, shape, topography or related hazards or deficiencies.
 - c. Consideration of changes in land value, physical environment or economic aspects, which tend to limit the usefulness of vacant land or buildings.
2. The proposed zoning change, and the potential of a resulting land use change, will comply with the general public interest and welfare and will not create:
 - a. Undue congestion of streets and traffic access.

- b. Overcrowding of land or overburden on public facilities such as transportation, sewerage, drainage, schools, parks and other public facilities.
 - c. Land or building usage which, is, or may become incompatible with existing character or usage of the neighborhood.
 - d. An oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood.
3. The proposed zoning change is in keeping with zoning law and precedent, in that:
 - a. It is not capricious or arbitrary in nature or intent.
 - b. It does not create a monopoly, or limit the value or usefulness of neighboring properties.
 - c. It does not adversely affect the reliance that neighboring property owners or occupants have placed upon existing zoning patterns.
 - d. It does not create a spot zone, that is, an incompatible or unrelated classification which would prevent the normal maintenance and enjoyment of adjacent properties.

Appendix A., Zoning Ordinance, Section VI. A. Open Land District (OL):

Policy statement: This district is composed mainly of large open unsubdivided land that is vacant or in agricultural, forestry or residential use. The regulations are designed to protect the open character of the district, and to allow residents to retain their traditional ways of living, by prohibiting the establishment of scattered business, industrial and other uses that are unrelated to any general plan of development and that might inhibit the best future utilization of the land. It is intended that land in these districts will be reclassified to its appropriate residential, commercial or industrial category in accordance with the amendment procedure set forth in the St. Charles Parish Code.

1. Use Regulations:

a. A building or land shall be used only for the following purposes:

(1)Farming.

(2)Animal husbandry.

(3)Farm family dwellings.

(4)Tenant dwellings.

(5)Site-built, single-family detached dwellings.

(6)Additional dwellings for family and relatives on unsubdivided property on a non-rental basis, and which meet the criteria outlined in Special Provisions [subsection 3].

(7)Manufactured housing.

(8)Mobile homes.

(9)Accessory buildings.

(10)Family subdivisions, provided that they conform to the St. Charles Parish Subdivision Regulations [appendix C].

(11)Farmer's market, provided that the criteria outlined in Special Provisions [subsection 3] is met.

(12)Any permitted uses under subsection 1.a. items (1) through (9) on a lot or property without frontage provided that a permanent right of passage to access the structure exist or is provided for, is recorded into the deed of the property, and is filed with the Clerk of Court. (Ord. No. 95-9-11, § I, 9-18-95; Ord. No. 97-9-12, § II, 9-22-97; Ord. No. 08-5-8, § I, 5-19-08)

b.Special exception uses and structures include the following:

(1)Religious institutions.

(2)Golf courses and golf practice ranges.

(3)Public parks and recreational areas.

c.Special permit uses and structures include the following:

(1)Child care centers.

(2)Public and private academic institutions (trade, business and industrial schools shall be located in the appropriate commercial or industrial zoning district).

(3)Cemeteries and mausoleums, provided that they meet the criteria outlined in Special Provisions [subsection 3].

(4)Extraction of oil and gas, minerals and other natural resources provided that criteria set forth by the St. Charles Parish Coastal Zone Management Section of the Planning and Zoning Department are met.

(5)Public stables and kennels.

(6)Cellular installations and PCS (personal communication service) installations. (Ord. No. 97-7-4, § III, 7-7-97)

(7)Green markets upon review and approval by the Planning Commission and supporting resolution of the Council. Such sites must possess frontage on a hard-surfaced public collector or arterial street. (Ord. No. 03-1-12, § II, 1-21-03)

(8) Reserved. (Ord. No. 07-1-6, § III, 1-8-07; Ord. No. 08-5-8, § I, 5-19-08)

(9) Fire stations with or without firefighter training facilities. (Ord. No. 08-7-8, I, 7-21-08)

(10) Nonresidential accessory buildings

(Ord. No. 12-7-4, § II, 7-2-12)

2. Spatial Requirements:

a. Minimum lot size shall be twenty thousand (20,000) square feet; minimum width fifty (50) feet. (Ord. No. 07-1-6, § II, 1-8-07)

b. Minimum yard sizes:

(1) Front—thirty-five (35) feet.

(2) Side—ten (10) feet.

(3) Rear—twenty (20) feet.

(4) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right-of-way, not notwithstanding any other more restrictive setbacks, this provision shall not apply to any lot of record created and existing prior to the effective date of Ordinance No. 99-12-8, December 15, 1999. (Ord. No. 08-8-9, § II, 8-18-08)

c. Accessory buildings: Minimum rear and side setbacks shall be ten (10) feet.

d. Permitted encroachments:

(1) Overhangs projecting not more than twenty-four (24) inches excluding gutter.

(2) Stairs and landings not more than three (3) feet in height, projecting no more than four (4) feet into the required front or rear yard.

3. Special Provisions:

a. Additional dwellings on unsubdivided property:

(1) Additional dwellings on unsub-divided property referred to in 1, a(11) above, will be permitted at the rate of one (1) dwelling unit for each ten thousand (10,000) square feet of lot area.

(2) The applicant for any additional dwellings on unsubdivided property shall submit a copy of all subdivision restrictions (covenants) which govern the property in order to protect the integrity of the neighborhood.

(3) Under no circumstances will the total number of dwellings per unsubdivided lot permitted under these provisions exceed four (4).

(4) Permits issued under this provision will be issued for a two-year period. At the expiration of this time, an investigation will be conducted by the Planning and Zoning Department to determine if this Code is complied with. Non-compliance will result in the revocation of the permit.

b. All manufactured housing and mobile homes shall be secured according to the Federal Emergency Management Agency's Sept. 1985 publication *Manufactured Housing Installation in Flood Hazard Areas*.

c. All dwelling units shall be connected to utility systems which provide for health and safety under all conditions of normal use. Home utility services shall only be connected to the supply source by means of approved materials, and shall be inspected by the appropriate agency.

d. Farmer's market

(1) All products must be sold on the premises on which they were grown or produced, from either a truck, stand, display table, or other means of display which has been inspected and approved by the Parish Health Unit. (Ord. No. 92-9-20, § II, 9-21-92)

(2) No structure, vehicles or signs may be located closer to any property line than the general setback requirements of the O-L District with the exception of one (1) on-premises sign which contains the name of the market. This sign shall be located approximate to the entrance drive directing attention to the market. The sign shall conform with acceptable commercial standards regarding quality and aesthetics. No temporary signs will be allowed. If the sign is to be illuminated, lighting shall be arranged as not to interfere with traffic safety or cause a nuisance to abutting properties.

e. Cemeteries and mausoleums:

(1) All cemetery or mausoleum sites must have a minimum street frontage of one hundred (100) feet. (Ord. No. 08-3-4, § I, 3-24-08)

(2) All cemetery or mausoleum sites must have a fence or screen planting six (6) feet high along all property lines adjoining all districts. (Ord. No. 08-5-7, § I, 5-19-08)

4. Prohibited Use: Medical waste storage, treatment or disposal facilities. (Ord. No. 90-9-4, § II, 9-4-90)

Appendix A, Zoning Ordinance, Section VI. F. Wetlands (W-1):

1. Use Regulations:
 - a. Automatically permitted uses: None.
 - b. Special exception uses and structures:
 - (1) Low intensity uses permitted as a N.D.S.I. Permit (No Direct Significant Impact) by the Louisiana Department of Natural Resources.
 - (2) Low intensity uses permitted as a general permit by the U.S. Army Corps of Engineers.
 - c. Special permit uses and structures:
 - (1) Coastal dependent uses ineligible for listed Special Exception Uses and Structures, as per approval of the St. Charles Parish Coastal Zone Advisory Committee with supporting resolution of the Council.
 - (2) Other compatible uses, as per approval of the St. Charles Parish Coastal Zone Advisory Committee with supporting resolution of the Council.
 2. Spatial Requirements: None.
 3. Transportation Requirements: None.
 4. Special Provisions: None.

ANALYSIS

This request is being made to change the zoning of a 1.139 acre portion of a 17-acre tract of land from W-1 to OL. The applicants stated intent is to build a home. The site is situated in an undeveloped area in Des Allemands, along a public, unpaved portion of Ridge Road and is over 2,000 feet from where the pavement ends at Fols Street. The applicants have received a wetlands determination from the US Army Corp of Engineers (USAOE) which has determined all but approximately 1.139 acres (approx. 49,615 square feet) of the tract as jurisdictional wetlands. This means that the only developable portion of their property is the portion approximately 49,615 square feet.

Recommendation for rezoning approval requires that an application must meet the tests of one of three criteria listed above.

The first criteria addresses whether or not the land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the proponent's property and adjacent property

Guidance is given to the Department in determining this criterion by evaluation of:

- a. Evaluation of surrounding Land Use – The St. Charles Parish Comprehensive Plan shows the entire area north of Old Spanish Trail designated as the Wetlands Future Land Use. The proposed zoning of OL is recommended for land designated under the Rural Residential Land Use. The Department finds that the Land Use pattern has not changed nor is the proposed zoning appropriate under the current Wetland Land Use designation.
 - b. Consideration of unique physical features of the land – The applicant has presented documentation showing that the request area is not jurisdictional wetland. However, this would permit the owner to build a house under the current Wetland zoning as a Special Exception Permit. The need for a zoning change is not tied to the physical features of the land.
 - c. Consideration of changed in value or environment which limit the usefulness of vacant land – The applicant has not provided information that would support this consideration.
- The site is surrounded by hundreds of acres of vacant, wooded, wetlands and is at least 2,000 feet from the nearest existing residential area. For these reasons, **the first criterion is not met**.
- The second criteria addresses whether the proposed zoning change, and the potential of a resulting land use change, will comply with the general public interest and welfare.
- Guidance is given to the Department by examples of potential impacts that would not be in the public interest:
- a. Undue congestion of streets and traffic – The proposed change will not result in undue traffic impacts.

- b. Overcrowding of land or overburden on public facilities – There is a potential impact on public facilities by virtue of the length, scope, and intensity of services that must be provided along Ridge Road. While these are to be borne by the applicant, there is a substantial extension of services required to serve a single dwelling.
- c. Land or building use that may be incompatible with existing neighborhood character – While the applicant is proposing only a single home, the potential for up to three units on the portion requested is real. Further, farming and open land uses would be permitted and may have an impact on the surrounding wetland.
- d. An oversupply of types of land or zoning in proportion to the population – The applicant has not presented an argument supporting this and the Department supports the adopted Comprehensive Plan for guidance on this matter.

Approving the development of this site at the end of a 2,000 foot gap of vacant undeveloped land is an example of “leap-frog development” and potentially taxes the existing infrastructure in the area. Further, the proposed use is incompatible with the surrounding zoning and the Future Land Use Map according to the adopted Comprehensive Plan. This does not comply with the general public interest and welfare and thus **the second criterion is not met**.

The third criteria addresses whether the proposed zoning change is in keeping with zoning law and precedent.

Guidance is given to the Department by examples of potential conflicts with zoning laws and precedent:

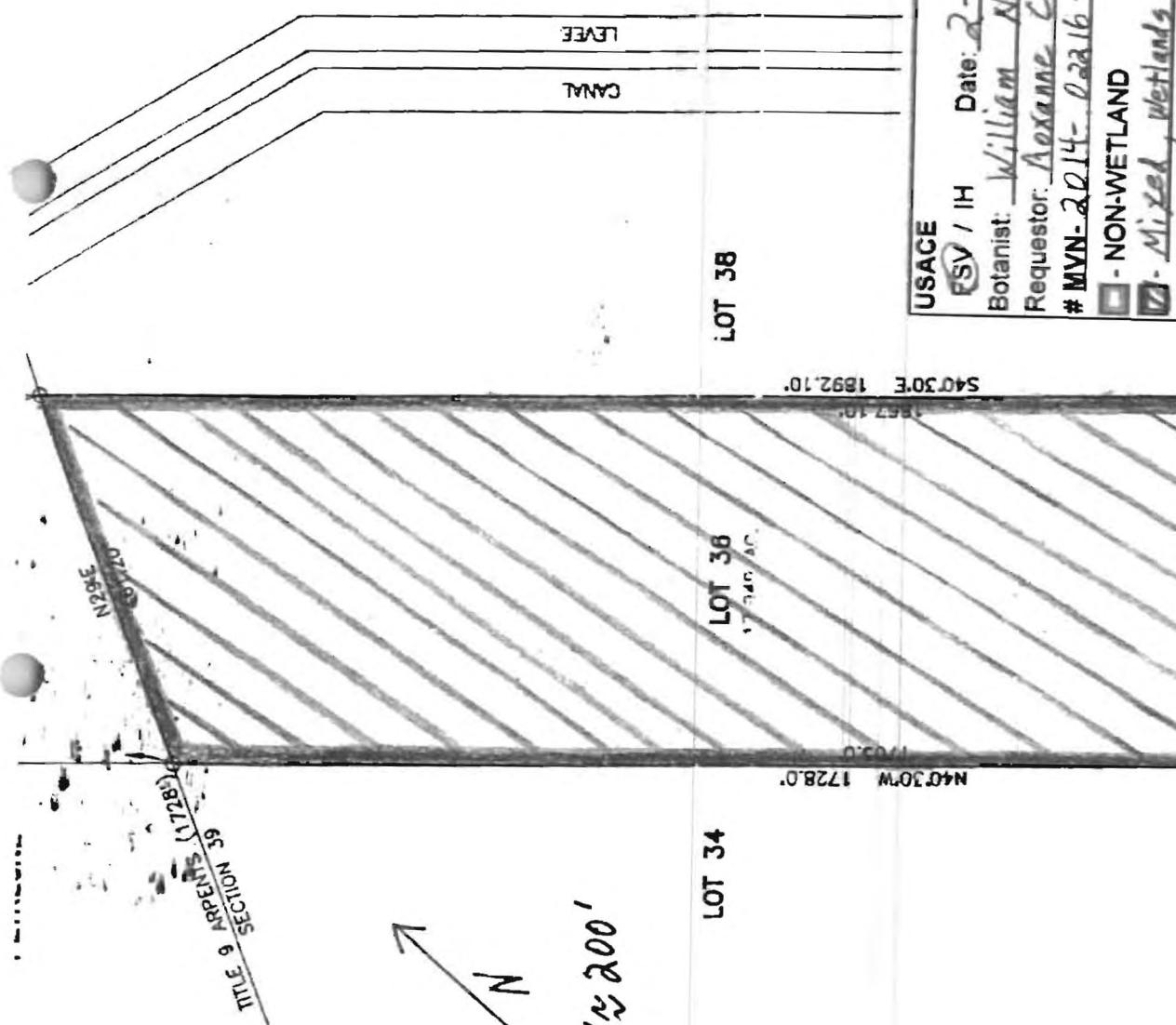
- a. Whether the change in zoning is capricious or arbitrary – The applicant’s request is not capricious. The determination that the land is not wetland allows for a consideration of the zoning change.
- b. It does not limit the value or usefulness of neighboring properties – The applicant’s request, if approved, would not limit the value or usefulness of neighboring properties.
- c. It does not adversely affect the reliance of neighboring property owners have placed upon existing zoning patterns – The proposed rezoning could potentially seriously injure the existing zoning pattern. There are potentially numerous instances of non-wet portions of this massive contiguous area of wetland. Allowing any or all of these portions to be rezoned would erode the nature and character of the surrounding wetland. The Parish, by virtue of its adopted Comprehensive Plan and the Future Land Use Map has demonstrated careful consideration of its desire to protect these areas.
- d. It does not create a spot zone that is incompatible with adjacent properties – This request is a clear example of spot zoning and may affect negatively the maintenance and enjoyment of surrounding land.

The third criterion is not met. The rezoning would result in a spot zone is counter to one of the goals of zoning: an orderly, manageable development pattern.

The Future Land Use Map for Ridge Road is **Wetlands**. Amending the Future Land Use Map is not required in this case as the site being developed is less than 3 acres. Therefore, no change to the FLUM will be required if the rezoning is approved.

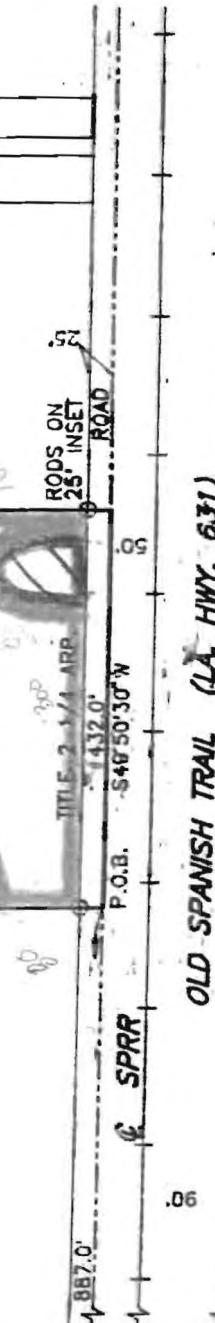
DEPARTMENT RECOMMENDATION

Denial.



| | | |
|--|-------------------|------------------------------|
| USACE | FSV / IH | Date: 2-25-2015 |
| | | Botanist: William Metherby |
| | | Requestor: Roxanne Comedelle |
| # | MYN-2014-02216-SR | |
| NON-WETLAND | | |
| <input checked="" type="checkbox"/> - Mixed, wetlands not delineated | | |

U.S. ARMY CORPS OF ENGINEERS
PRELIMINARY
JURISDICTIONAL DETERMINATION



CHIQUIVACO LAKE AT THE POINT WHERE THE CHIQUIVACO AND NATIONAL TRAIL INTERSECT

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

| | | | | | |
|--------------------|----------------------|---------------------|--------------------|---------------------------------------|---|
| District Office | New Orleans District | File/ORM # | MVWN 2014-02216-SQ | PJD Date: | Feb 25, 2015 |
| State | LA | City/County | St. Charles Parish | Name/Address of Person Requesting PJD | Ms. Roxanne Comardelle 128 Carlton Drive Des Allemands, Louisiana 70030 |
| Nearest Waterbody: | | Bayou Des Allemands | | | |
| Location: TRS, | | | Lat/Long or UTM: | 29.833895 N 90.465219 W | |

| | | | |
|--|--|---|--|
| Identify (Estimate) Amount of Waters in the Review Area: | Name of Any Water Bodies on the Site Identified as Tidal | | |
| Non-Wetland Waters: | <input type="checkbox"/> Stream Flow | <input type="checkbox"/> Section 10 Waters: Non-Tidal | |
| Linear ft | width | acres | |
| Wetlands: <input type="checkbox"/> acres(s) | Cowardin Class: | <input type="checkbox"/> Office (Desk) Determination | <input type="checkbox"/> Field Determination |
| | N/A | Date of Field Trip: | Feb 20, 2015 |

SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

Office concurs with data sheets/delineation report.

Office does not concur with data sheets/delineation report.

Data sheets prepared by the Corps

Corps navigable waters' study:

U.S. Geological Survey Hydrologic Atlas:

USGS NHD data.

USGS 8 and 12 digit HUC maps.

U.S. Geological Survey map(s). Cite quad name: Des Allemands, LA

USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS Web Soil Survey

National wetlands inventory map(s). Cite name: _____

State/Local wetland inventory map(s): _____

FEMA/FIRM maps: _____

100-year Floodplain Elevation is: _____

Photographs: Aerial (Name & Date): 1008 IR 2004 IR 2008 IR 2010 IR 2013 true color

Other (Name & Date): LiDAR

Previous determination(s). File no. and date of response letter: _____

Other information (please specify): _____

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

William A. Hettley 2.25.2015 *Via Request Form reid 8-18-2014*
 Signature and Date of Person Requesting Preliminary JD
 (REQUIRED, unless obtaining the signature is impracticable)

Signature and Date of Regulatory Project Manager
 (REQUIRED)

EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS

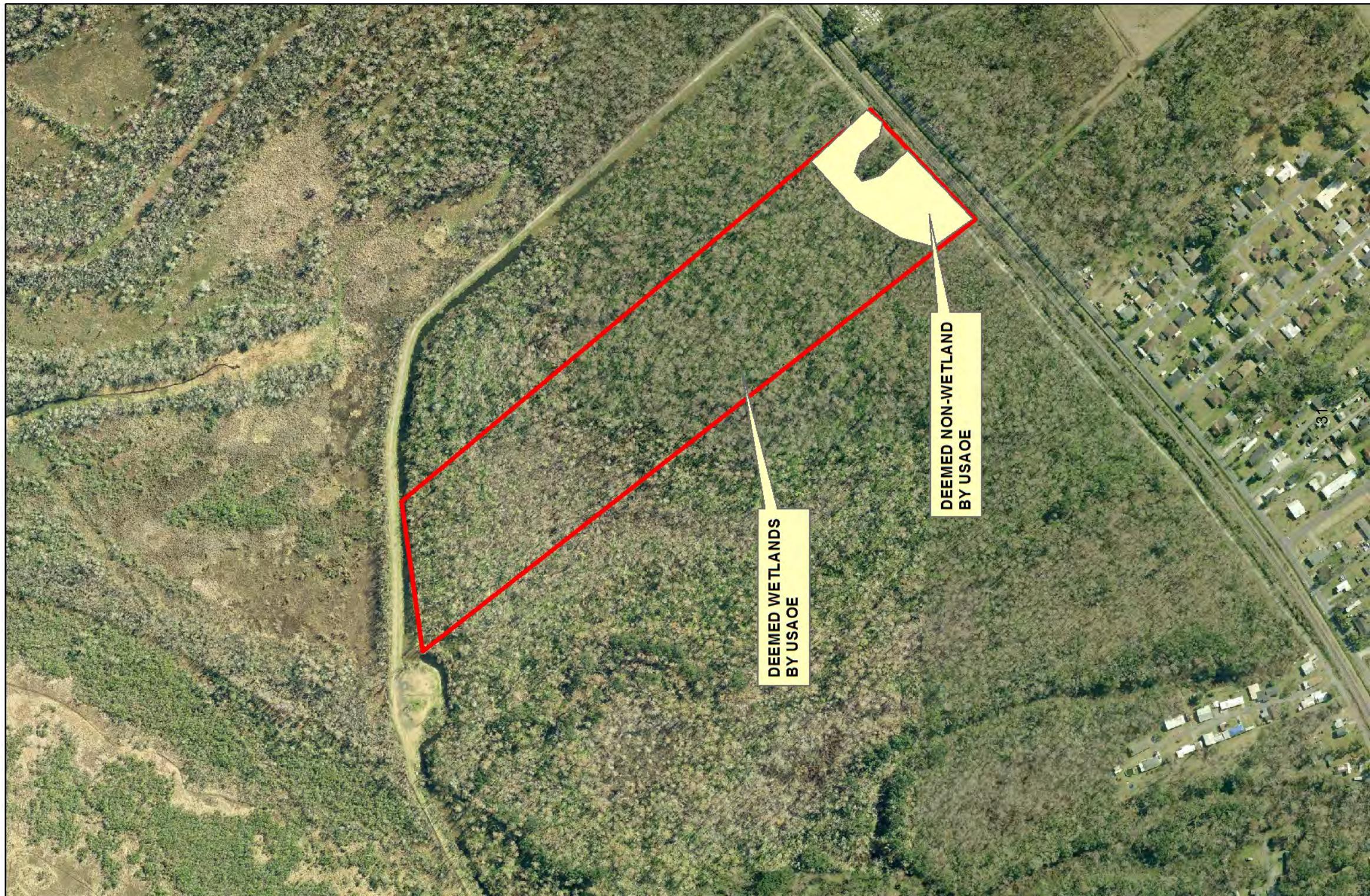
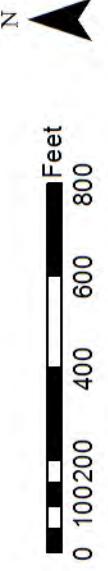
The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requires verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation acceptance of the use of the preliminary JD, but that either form of JD constitutes a preliminary JD; (5) that JD constitutes the applicant's acceptance of the use of the preliminary JD as soon as is practicable; (6) signing a permit authorization (e.g., undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial proceeding); (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a appealed individual permit, and all terms and conditions contained therein); or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

| NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL | | |
|---|---|------------------------|
| Applicant: Roxanne Comardelle | File No.: MVN 2014-02216-SQ | Date: MAR 02 2015 |
| Attached is: | | |
| | INITIAL PROFERED PERMIT (Standard Permit or Letter of permission) | A See Section below |
| | PROFFERED PERMIT (Standard Permit or Letter of permission) | B |
| | PERMIT DENIAL | C |
| | APPROVED JURISDICTIONAL DETERMINATION | D |
| <input checked="" type="checkbox"/> | PRELIMINARY JURISDICTIONAL DETERMINATION | E |
| <p>SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://usace.army.mil/inet/functions/cw/ceewo/reg or Corps regulations at 33 CFR Part 331.</p> <p>A: INITIAL PROFERED PERMIT: You may accept or object to the permit.</p> <ul style="list-style-type: none"> • ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit. • OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below. <p>B: PROFFERED PERMIT: You may accept or appeal the permit</p> <ul style="list-style-type: none"> • ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit. • APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice. <p>C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.</p> <p>D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.</p> <ul style="list-style-type: none"> • ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD. • APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice. <p>E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.</p> | | |

PZS-2015-09

Requested by: Rory & Roxanne Comardelle
Toe Rezone from W-1 to OL



St. Charles Parish Department of Planning & Zoning

LAND USE REPORT

CASE NUMBER: PZR 2015-11

GENERAL APPLICATION INFORMATION

◆ **Name/Address of Applicant:** Application Date: 4/13/2015

Betty Muller

141 Loupe Street

Luling LA, 70070

504.559.8517

◆ **Location of Site:**

Lot B-1A of Loupe Subdivision; 12801 River Road, Luling.

◆ **Requested Action:**

Rezone to eliminate a C2/OL split-zone and a companion application for a Special Permit Use for an R3/multi-family residential use.

SITE-SPECIFIC INFORMATION

◆ **Zoning and Land Use:**

Lot B-1A is developed with a wood frame house that likely dates to the 30s or 40s. The lot is split-zoned such that its front yard on River Road is C2 and location of the house and remaining yards are OL. Lot B-2 is zoned OL.

◆ **Surrounding Land Uses and Zoning:**

To the north, the batture is zoned B2 but vacant. To the south, east, and west, zoning is C2 on River Road and OL from Martin Street to the railroad to Sugarhouse Road with one mobile home park zoned R-1M. The neighborhood is approximately 75 acres bounded by Sugarhouse Road, River Road, Martin Street or the Monsanto plant entrance, and the Monsanto industrial complex. The neighborhood is characterized by large tracts with large houses near River Road and sparse residential development with multi-unit buildings and mobile homes mixed with single-family houses off the road.

◆ **Plan 2030 Recommendations:**

General Commercial and low-density residential (4-8 dwellings per gross acre). The future land use map is not parcel specific, however, in this specific area, future land uses follow the zoning district lines. As this request is to adjust a zoning district line to change zoning on less than 3 acres for a compatible with existing adjacent uses, no amendment to the future land use map is required.

◆ **Utilities:**

Standard utilities (water, sewer, drainage, electricity, gas, and telecommunications) are available to the subject site.

◆ **Traffic Access:**

Lot B-1A has access from River Road and also from Loupe Street

APPLICABLE REGULATIONS

Appendix A.., Zoning Ordinance, Section IV.9:

Rezoning Guidelines and Criteria: Before the Planning & Zoning Commission recommends or the Parish Council rezones property, there should be reasonable factual proof by the proponent of a change that one or more of the following criteria are met:

1. Land-use pattern or character has changed to the extent that the existing zoning no longer allows reasonable use of the proponent's property and adjacent property. Reasonableness is defined as:
 - a. Land use the same as, or similar to that existing or properties next to, or across the street from the site under consideration.
 - b. Consideration of unique or unusual physical or environmental limitations due to size, shape, topography or related hazards or deficiencies.
 - c. Consideration of changes in land value, physical environment or economic aspects, which tend to limit the usefulness of vacant land or buildings.
2. The proposed zoning change, and the potential of a resulting land use change, will comply with the general public interest and welfare and will not create:
 - a. Undue congestion of streets and traffic access.

- b. Overcrowding of land or overburden on public facilities such as transportation, sewerage, drainage, schools, parks and other public facilities.
 - c. Land or building usage which, is, or may become incompatible with existing character or usage of the neighborhood.
 - d. An oversupply of types of land use or zoning in proportion to population, land use and public facilities in the neighborhood.
3. The proposed zoning change is in keeping with zoning law and precedent, in that:
 - a. It is not capricious or arbitrary in nature or intent.
 - b. It does not create a monopoly, or limit the value or usefulness of neighboring properties.
 - c. It does not adversely affect the reliance that neighboring property owners or occupants have placed upon existing zoning patterns.
 - d. It does not create a spot zone, that is, an incompatible or unrelated classification which would prevent the normal maintenance and enjoyment of adjacent properties.

AND:

Section VI. [III.] C-2 General commercial district—Retail sales:

1. Use Regulations:
 - a. A building or land shall be used for the following purposes:
 - (1) All uses allowed in C-1 District. (Ord. No. 88-5-5, 5-16-88)
 - (2) Retail sales (except auto and mobile home sales), usage, and storage
 - (3) Hotels, motels and apartment hotels
 - (4) [Repealed by Ord. No. 92-9-14, 9-8-92.]
 - (5) Restaurants (including drive-in restaurants) and cafeterias. Specific land use requirements for restaurants serving alcoholic beverages are contained in subsection III.59. of these regulations, with further details contained within Chapter 3 of the St. Charles Parish Code of Ordinances.
 - (6) Animal hospitals where all animals are kept inside the building
 - (7) Service station
 - (8) Commercial recreation facilities
 - (9) Commercial greenhouses and nurseries
 - (10) Commercial schools
 - (11) Shops not to exceed two thousand five hundred (2,500) square feet of floor area for the repair and servicing of the following: Bicycles, radios, televisions, stereos and recorders, household appliances, locksmiths, typewriters, other similar uses
 - (12) Shops not to exceed two thousand five hundred (2,500) square feet of floor area may also include the following uses: dressmakers, millinery, tailors, baking goods sales, laundry and dry cleaners, theatres (but not the drive-in type)
 - (13) Laboratories
 - (14) Customary accessory uses incidental to the above uses when located on the same lot
 - (15) Funeral homes (provided that a petition of no objection signed by a majority of property owners within a three hundred foot radius of the site and one hundred (100) percent of the property owners on the same street within the same block be filed with the Planning Zoning Department
 - (16) Cemetteries and mausoleums, provided however that such uses shall be located on sites of at least twenty (20) acres, all graves shall be set back at least fifty (50) feet from all property lines, shall have a minimum street frontage of one hundred (100) feet and a fence or screen planting six (6) feet high shall be provided along all property lines adjoining all districts
 - Cellular/communication towers. (Ord. No. 95-9-11, 9-18-95)
 - (17) Other uses of similar intensity.
 - (18) Mini-storage facilities (limited to one-story construction in C-2 district)
 - (19) Historic home site bed and breakfast. (Ord. No. 13-7-6, § II, 7-1-13)
 - b. Special exception uses and structures include the following:
 - (1) Dwelling units contained within the office building
 - (2) Reserved
 - (3) Reserved
 - (4) Churches
 - (5) Movie theaters
 - (6) Temporary on-site construction buildings for a period of one (1) year upon approval of the Planning Director.
 - c. Special permit uses and structures include the following:
 - (1) R-1A and R-1B uses upon review and approval by the Planning Commission.
 - (2) R-3 uses upon review and approval by the Planning Commission and supporting resolution of the Council.
 - (3) Office buildings for gaming operations, excluding all gaming activities, upon review and approval by the Planning Commission and supporting resolution of the Council.

(4) Motor vehicle repair. Automobile sales and service on designated federal and state highways; body repair activities being strictly prohibited in the C-2 zoning district.

(5) Heating and air conditioning service.

(6) Sheet metal shops

(7) Plumbing shops.

(8) Green markets upon review and approval by the Planning Commission and supporting resolution of the Council. Such sites must possess frontage on a hard-surfaced public collector or arterial street.

(9) Bingo halls, video bingo parlors, and off-track betting establishments upon review of the planning commission and ordinance of the St. Charles Parish Council.

2. Spatial Requirements:

a. Minimum lot size: Six thousand (6,000) square feet, minimum width - sixty (60) feet.

b. Minimum yard sizes:

(1)Front - twenty (20) feet

(2)Side - five (5) feet

(3)Rear - ten (10) feet.

(4) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right-of-way, notwithstanding any other more restrictive setbacks, this provision shall not apply to any lot of record created and existing prior to the effective date of Ordinance No. 99-12-8, December 15, 1999. (Ord. No. 08-8-9, § XI, 8-18-08)

3.Transportation Requirements: Arterial

4.Special Provisions:

a. Where any commercial use in a C-2 zoning district abuts any residential district or use, a six-foot high solid wood fence or masonry wall shall border the same and there shall be a buffer strip ten (10) feet wide designated and maintained on the site planted with plant materials acceptable for buffer zones. (Ord. No. 82-6-9, § III, 6-7-82; Ord. No. 98-1-3, § III, 1-5-98)

ANALYSIS

Last month, the applicant resubdivided two lots near River Road in Loupe Subdivision creating Lot B-1A. The applicant proposes renovations to the house on Lot B-1A to convert it to a duplex with separate electrical meters. In the past the house has had up to four dwelling units.

Currently, the house is on the OL-portion of Lot B-1A; OL zoning does not permit duplexes or multi-family structures or uses. In order to preserve the zoning pattern in the neighborhood, staff advised the applicant to request a change of the zoning district in such that Lot B-1A is entirely C2, which allows multi-family residential uses as a Special Permit. The applicant is also requesting a special permit (PZSPU 2015-12). Because the neighborhood is characterized by a mix of commercial uses and residential uses of various types, a multi-family use at this location is compatible with the neighborhood.

In order to receive a recommendation for approval, a rezoning request must meet all the criteria of at least one of three tests. This request meets the criteria of the second test.

The second test is designed to protect the public interest by preventing traffic congestion and the overburdening public utilities and facilities, to ensure compatible land uses, and to maintain a balance of particular zoning districts in proportion to the population. The first criterion considers whether rezoning and potential development would create undue congestion of streets and traffic access. Adjusting the zoning district line to encompass all of Lot B-1A is likely to relieve traffic congestion associated with any commercial use on Lot B-1A. Currently, only 5,822 square feet of the property is within the C2 zoning district with 71' of frontage on River Road and 82' of frontage on Loupe Street. This is a common problem with the 1981 zoning ordinance and map—many C2 and C3 zoning districts fail to capture large enough properties to encourage quality commercial development. Adding the 12,375 remaining square feet and 155' feet of frontage on Loupe Street to the C2 zoning district creates a lot that can better accommodate a general commercial use. The proposed use requires only four parking stalls, but should the lot ever convert to a C2 use, there is adequate space to develop code-required parking, loading, beautification landscaping, and buffering on the site.

The second criterion considers overcrowding of land or overburden on public facilities such as transportation, sewerage, drainage, schools, parks and other public facilities. Transportation is discussed above; overcrowding is unlikely. Water, sewerage, and drainage utilities are in place and able to accommodate C-2 uses or the addition of two families within the service area. Generally, C-2 uses do not impact park facilities. Considering the request for a two-family dwelling, the Mississippi River Trail is just on top of the levee and Monsanto Park is within walking distance. Each park can accommodate two additional families in their service area.

The third criterion considers whether a change of zoning district will result in land or building usage that is incompatible with existing character or usage of the neighborhood. Because the house has been part of the neighborhood for decades, because it has been used for up to four dwelling units at one time, and because a companion application requests a Special Permit for a multi-family use the building, it is unlikely that the rezone will cause land or building usage incompatible with the surrounding neighborhood in the near term. Should the property develop a different C2 use, changing the zoning district line to encompass the portion of the lot the house sits on may actually preserve the character of the neighborhood by facilitating commercial use of the house a professional office or small retail or service shop. Extending the C2 line to the full extent of Lot B-1A further encourages quality commercial development by zoning adequate area for required parking, loading, and landscaping on one property.

Finally, the fourth criterion, which considers whether a rezoning would create an oversupply of types of land use or zoning in proportion to population, land use, and public facilities in the neighborhood, is also met. Even with the C2 in the neighborhood, there is virtually no neighborhood serving commercial development in the neighborhood, and commercial sites are split-zoned C-2/OL. Eliminating the split zoning on this property will facilitate quality commercial or residential use of the lot in the future.

DEPARTMENTAL RECOMMENDATION

Approval.



APPROVALS
Dil Miller
 St. Charles Parish Planning and Zoning
 Commission Chairman
W. C. Muller
 St. Charles Parish Council Chairman
M. L. Muller
 St. Charles Parish President

4-9-15
 Date

Recorded in The Clerk of Court's office

St. Charles Parish on the _____ day of

, in Book _____

Folio _____, Entry # _____

Signature _____ Title _____

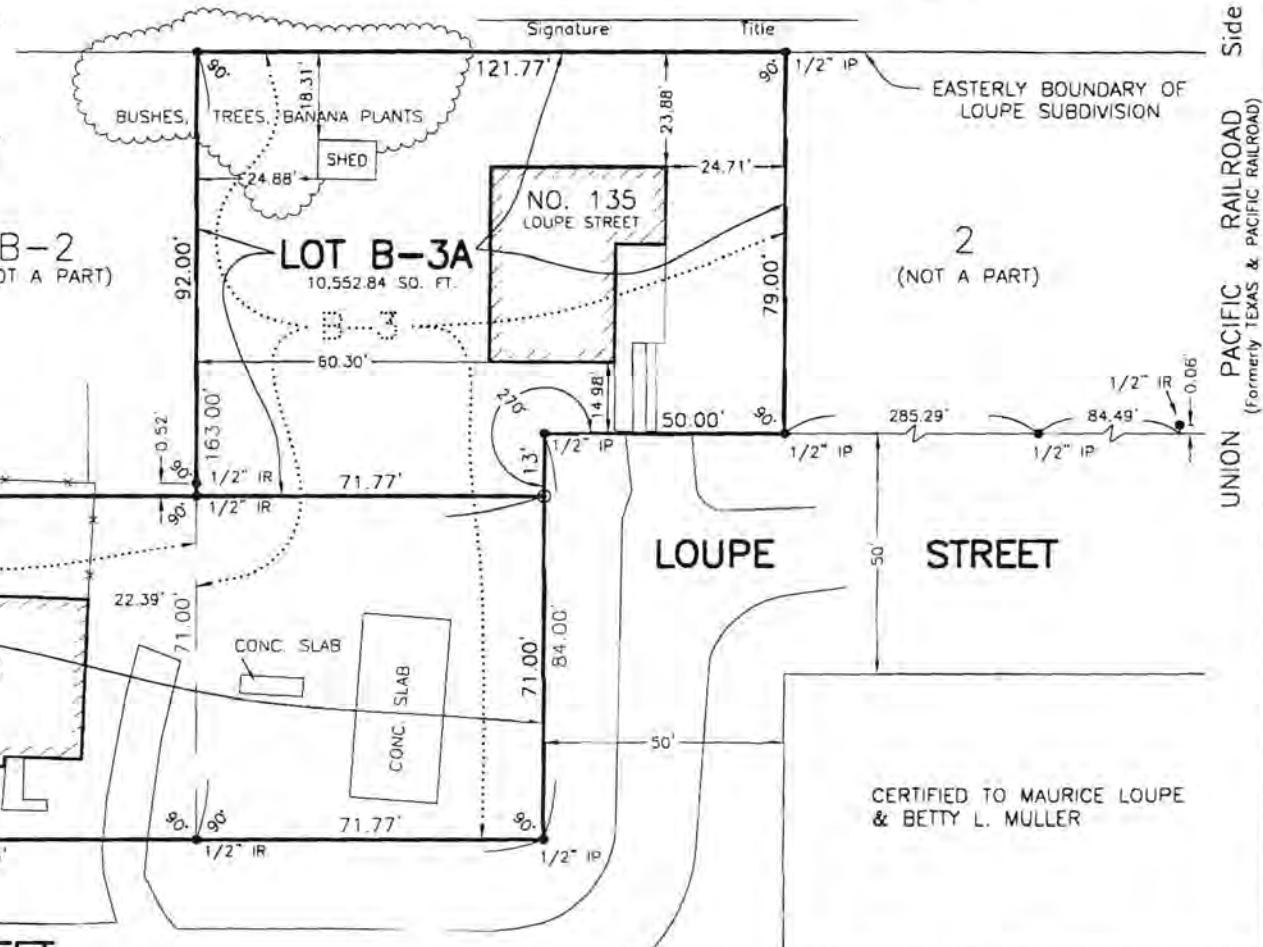


4-2015
 Date

W. C. Muller
 Date

B-2
 (NOT A PART)

ASPHALT



NOTE:
 ALL NECESSARY SEWER, WATER
 AND/OR OTHER UTILITY
 EXTENSIONS, RELOCATIONS OR
 MODIFICATIONS SHALL BE MADE
 BY AND SOLELY AT THE LOT
 OWNER'S EXPENSE.

REFERENCE PLAN:

1. LOUPE SUBDIVISION BY S. K. LANDRY, DATED AUG. 6, 1963, REVISED AUG. 30, 1963 AND APR. 19, 1965
2. SURVEY OF LOTS B-1, B-2 & B-3 LOUPE SUBDIVISION BY LUCIEN C. GASSEN, DATED AUGUST 14, 2013

The subdivision plot shows no servitudes and no information regarding servitudes was furnished by the owner or his agent. No further research regarding servitudes was performed for this survey.

This is to certify that I have consulted the Flood Insurance Rate Maps and found that this property is in Zone X.

LEGEND
 ■ = FOUND
 ○ = 1/2" IRON ROD SET
 ▲ = MAG NAIL FOUND
 IP = IRON PIPE
 IR = IRON ROD
 * = FENCE
 (A) = ACTUAL
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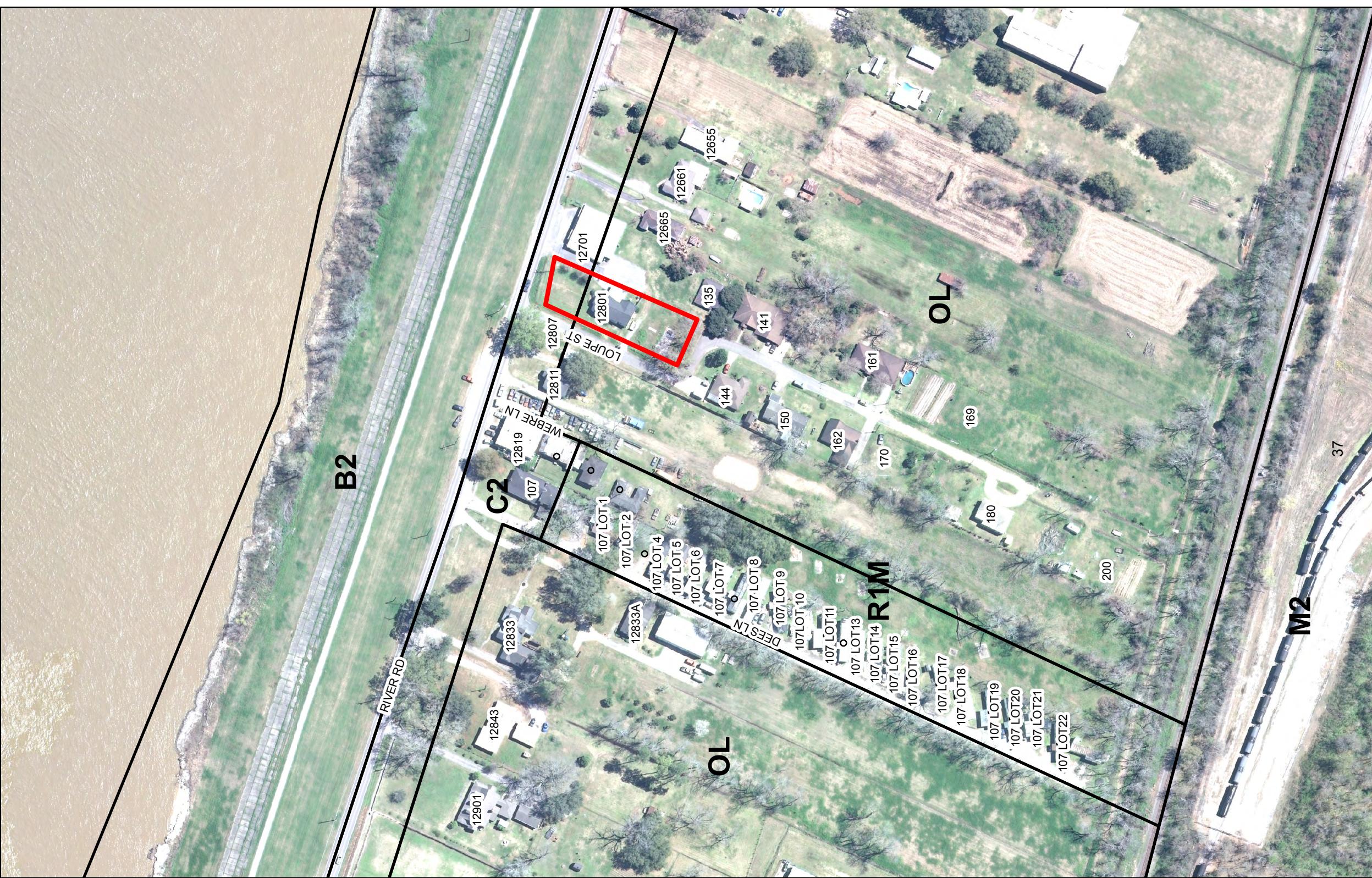
RESUBDIVISION OF LOTS B-1 & B-3
 LOUPE SUBDIVISION
 INTO LOTS B-1A & B-3A
 IN SECTION 17, T13S - R21E
 ST. CHARLES PARISH, LOUISIANA
 SCALE: 1" = 40'
 OCTOBER 8, 2014

I certify that this plat represents an actual ground survey performed under my supervision and is in accordance with the Louisiana standards of practice for a Class C survey.

Terry
 LUCIEN C. GASSEN, PLS
 Registration No. 353
 (985) 785-0745
 1026 Gassen Street
 Luling, Louisiana 70070

PZR 2015-11
Requested by Betty & Donald Muller
For an change of zoning district from OL/C2 to C2

0 100 200 300 400 500 600 Feet N



St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: PZSPU 2015-12

GENERAL APPLICATION INFORMATION

◆ **Name/Address of Applicant:** Application Date: 4/13/2015

Betty Muller
141 Loupe Street
Luling LA, 70070
504.559.8517

◆ **Location of Site:**

Lot B-1A of Loupe Subdivision; 12801 River Road, Luling.

◆ **Requested Action:**

Rezone to eliminate a C2/OL split-zone and a companion application for a Special Permit Use for an R3/multi-family residential use.

SITE-SPECIFIC INFORMATION

◆ **Zoning and Land Use:**

Lot B-1A is developed with a wood frame house that likely dates to the 30s or 40s. The lot is split-zoned such that its front yard on River Road is C2 and location of the house and remaining yards are OL. Lot B-2 is zoned OL.

◆ **Surrounding Land Uses and Zoning:**

To the north, the batture is zoned B2 but vacant. To the south, east, and west, zoning is C2 on river road and OL from Martin Street to the railroad to Sugarhouse Road with one mobile home park zoned R-1M. The neighborhood is approximately 75 acres bounded by Sugarhouse Road, River Road, Martin Street or the Monsanto plant entrance, and the Monsanto industrial complex. The neighborhood is characterized by large tracts with large houses near River Road and sparse residential development with multi-unit buildings and mobile homes mixed with single-family houses off the road.

◆ **Plan 2030 Recommendations:**

General Commercial and low-density residential (4-8 dwellings per gross acre). The future land use map is not parcel specific, however, in this specific area, future land uses follow the zoning district lines. As this request is to adjust a zoning district line to change zoning on less than 3 acres for a compatible with existing adjacent uses, no amendment to the future land use map is required.

◆ **Utilities:**

Standard utilities (water, sewer, drainage, electricity, gas, and telecommunications) are available to the subject site.

◆ **Traffic Access:**

Lot B-1A has access from River Road and also from Loupe Street

APPLICABLE REGULATIONS

Appendix A.., Zoning Ordinance, Section VI.

C. [III] C-2 General commercial district:

1. **Use Regulations:**

c. Special permit uses and structures:

(2) **R-3 uses upon review and approval by the Planning Commission and supporting resolution of the Council.**

AND

Appendix A, Zoning Ordinance, Section IV.

9. Review and evaluation criteria/special permit use and special exception use: The appropriate decision-making agent and/or body shall review and evaluate each application based upon the following relevant criteria:

- a. Comparison with applicable standards established by the Comprehensive Land Use Plan as applied to the proposed use and site.

- b. Compatibility with existing or permitted uses on abutting sites, in terms of building construction, site development, and transportation related features.
 - c. Potentially unfavorable effects or impact on other existing conforming or permitted uses on abutting sites, to the extent such impacts exceed those impacts expected from a standard permitted use in the applicable zoning district.
 - d. Safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonable and anticipated in the area considering existing zoning and uses in the area.
 - e. Protection of persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.
 - f. Adequacy and convenience of off-street parking and loading facilities and protection of adjacent property from glare of site lighting.
 - g. Conformity with the objectives of these regulations and the general purposes of the zone in which the site is located.
 - h. That any conditions applicable to approval are the minimum necessary to minimize potentially unfavorable impacts on nearby uses and to ensure compatibility of the proposed use with existing or permitted uses in the same district and the surrounding area.
- The above criteria listed in a-g is to be considered illustrative and not restrictive, and other criteria may be considered although not specifically listed above if said criteria affects [affect] the general welfare and safety of the public at large.

ANALYSIS

Last month, the applicant resubdivided two lots near River Road in Loupe Subdivision creating Lot B-1A. Currently, Lot B-1A is split-zoned with the front yard on River Road zoned C2 and the remainder zoned OL. The house is completely in the OL zoning district. The applicant has requested a rezone such that the entire lot is C2 (PZR 2015-11).

The applicant proposes renovations to the house to convert it to a duplex with separate electrical meters. Should the rezone be approved, the applicant requests a Special Permit Use for an R3/multi-family use. People from the neighborhood report that the house has had as many as four dwelling units. These apparently used the same electrical and water meters, so departmental records can't confirm how many dwelling units have been in the building.

The request meets the majority of the evaluation criteria.

Criterion a reviews compatibility with the future land use plan. The future land use plan recommends neighborhood commercial on the River Road frontage of the lot. Considering the companion application to rezone the entire lot C2, an R3 use complies with the neighborhood commercial designation moderate density residential uses are encouraged in and around neighborhood commercial.

Criteria b, c, d, & f evaluate potential impacts the R3 use might have on the surrounding neighborhood and seeks to minimize impacts, particularly street congestion, through site development. As the site is developed with the structure and adequate space to accommodate the required four parking slots with access from either River Road or Loupe Street, the request meets these site development evaluation criteria.

Criteria e & h seeks to minimize impacts of intense uses and to provide a means to make conditions on a Special Permit to minimize any impacts. The applicant's plans are to permit renovations to convert it to a duplex with separate electrical meters. Transportation engineers estimate a single-family dwelling in a similar neighborhood would generate 8-10 vehicle trips (4-5 in and 4-5 out) on an average day. The increase in vehicle trips for a duplex, 8-10 trips per day should not have a negative impact on the neighborhood because house is accessible by River Road and traffic generated by the it should not impact Loupe Street. The zoning ordinance would not necessarily limit an R3 use to two dwelling units, however, should the public comment on the request suggest concern about impacts, a Special Permit could limit the site to two dwelling units.

DEPARTMENTAL RECOMMENDATION

Approval.



APPROVALS
Dil Miller
 St. Charles Parish Planning and Zoning
 Commission Chairman
W. C. Muller
 St. Charles Parish Council Chairman
W. C. Muller
 St. Charles Parish President

4-9-15
 Date

Recorded in The Clerk of Court's office

St. Charles Parish on the _____ day of

, in Book _____

Folio _____, Entry # _____

Signature _____ Title _____

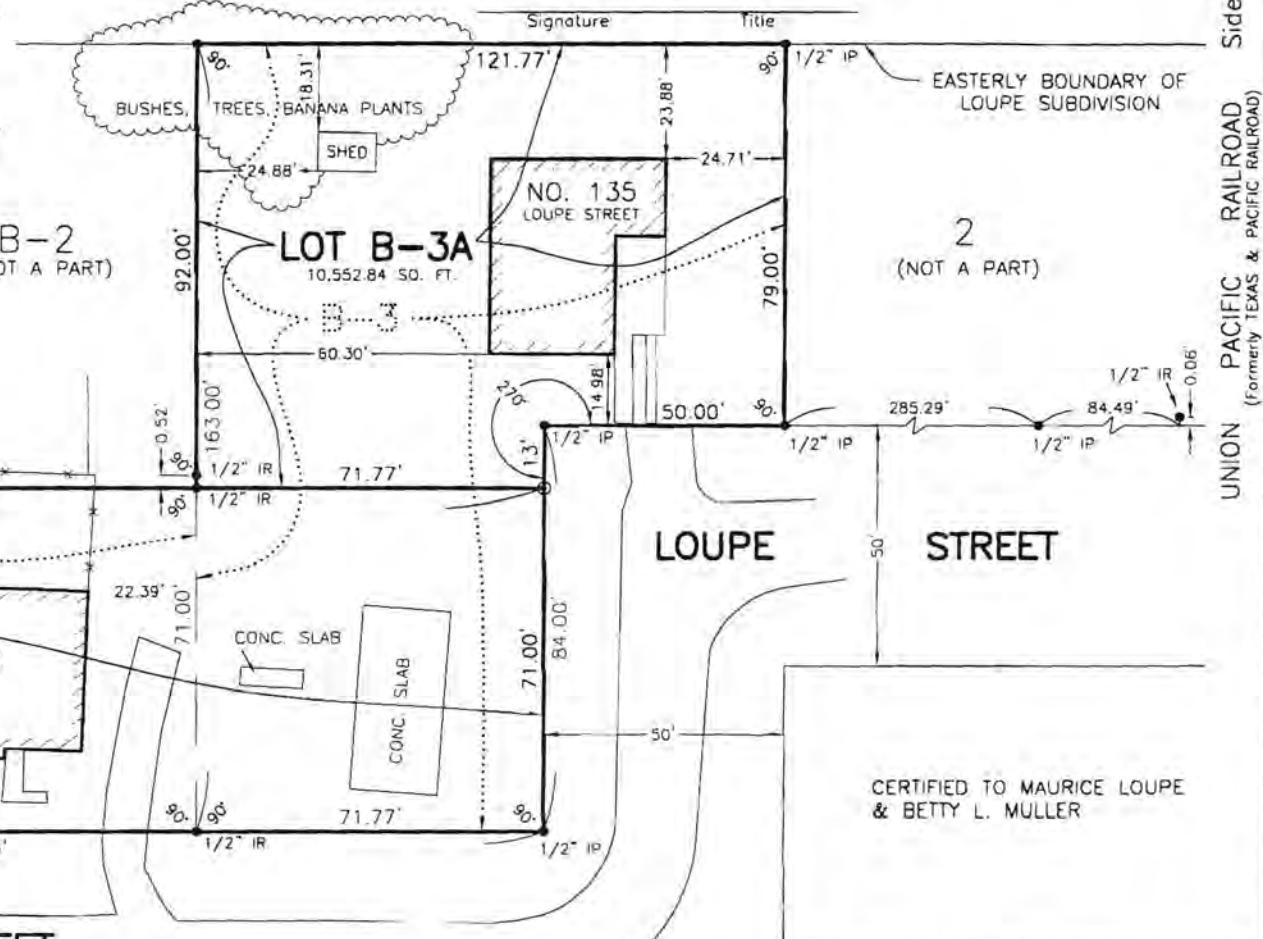


4-2015
 Date

W. C. Muller
 Date

B-2
 (NOT A PART)

ASPHALT



RESUBDIVISION OF LOTS B-1 & B-3
 LOUPE SUBDIVISION
 INTO LOTS B-1A & B-3A
 IN SECTION 17, T13S - R21E
 ST. CHARLES PARISH, LOUISIANA
 SCALE: 1" = 40'
 OCTOBER 8, 2014

LEGEND
 ■ = FOUND
 ○ = 1/2" IRON ROD SET
 ▲ = MAG NAIL FOUND
 IP = IRON PIPE
 IR = IRON ROD
 * = FENCE
 (A) = ACTUAL
 (P) = PLAN

RAILROAD
 SIDE
 PACIFIC
 (Formerly TEXAS & PACIFIC RAILROAD)

PZSPU 2015-12
Requested by Betty & Donald Muller
For an R3 use in a C2 zoning district

0 100 200 300 400 500 600 Feet N



ACADIAN TRACE REZONE

The Department recommends rezoning the area because the land use pattern has changed to the point that development of multi-family housing or the conversion of existing structures to multi-family housing is unreasonable, would not comply with the neighborhood's interest, and would adversely affect the enjoyment of adjacent properties.

PURPOSE

This report was completed in response to a proposed change of zoning district from R-3 to R-1A for Acadian Trace Subdivision. The area under consideration is approximately 27.5 acres developed with four cul-du-sac streets each originally built to serve 18 large lots for single-family development. Most of the lots are over 10,000 square feet. The report describes the development history of the area, existing conditions, and the potential number of housing units that could be permitted in the R3 zone.



Figure 1: Plantation Road Focus Area

DEVELOPMENT HISTORY

Acadian Trace Subdivision consists of five cul-du-sac streets southwest of Plantation Road built and dedicated between 1995 and 1999, each with 18 lots (90 lots total). Prior to the street development, the area was five large lots, 1A, 2A, 3A, 4A, and 5A of Ormond Plantation, all zoned R-3, multi-family residential, with a strip of Lot 5A zoned OL (open land).

The 1981 zoning map shows the 30 acres of R3 adjacent to a 205 acre C2, general commercial zoning district. At the time, there was an effort to develop an east-west roadway, an extension of Earhart Expressway, directly to this area. The 30 acres of R-3 zoning was meant to encourage development of high-density residential development which would support the commercial node and also provide workforce housing where residents would have convenient access to the city. However, the east-west roadway did not develop, and C2 structures and uses developed only on properties with Boulevard frontage.

As the idea of an east-west roadway faded in the late 80s and early 90s, the huge C2 zone was rezoned in a piecemeal fashion and developed with single-family and multifamily housing:

- 22 acres of the rezoned to R3 and developed with 7.5 acres of apartments (ordinance 82-1-6)
- 7.5 acres rezoned M/S & developed with assisted living (PZR 85-2-3; ordinance 86-1-1)
- 12.25 acres rezoned to R3T and developed with townhouses (PZR 82-12; ordinance 83-8-12)
- 58 acres rezoned to R-1A and develop with single-family houses (PZR 86-04; ordinance 86-3-10)
- 12 acres rezoned (from R3) to R-1A built with a vacant single-family subdivision (PZR 2005-07).

The focus area lay vacant and wooded during this development boom. In 1995, the first street was built and dedicated, Acadia Lane (PZS 94-40). Laura Lane was developed next (1996), then Gabrielle Lane (1997) and finally Evangeline and Valcour Lanes (1999). Although each street was developed with 18 lots intended for single-family houses (generally found in R-1A or R-1B zoning districts), only Gabrielle Lane was rezoned from R-3/OL to R-1A. Department records are unclear whether the developers were advised to rezone to R-1A or R-1B. Because the subdivisions were likely determined to meet R3 standards (minimum lot area is 10,000 square feet which most lots exceed), the department would not have been able to require rezoning to R-1A. Single-family houses are permitted in R-3 zoning, so the properties remained R-3.

Gabrielle Lane is the exception. It was rezoned to R-1A. This is likely because a portion of the lot that became Gabrielle Lane was zoned OL, which requires at least 20,000 square feet per lot (PZR 97-05).

DEVELOPMENT POTENTIAL UNDER CURRENT ZONING

All parcels located on Valcour Lane, Evangeline Lane, Laura Lane, and Acadia Lane are currently zoned R-3 – Multi-family residential, 2,500 square feet per family. The majority of the lots are developed with single-family houses the majority of the lots exceed 10,000 square feet (not all of the final plats for the subdivisions indicate the square footage per lot, but at least four lots are slightly less than the R-3 required 10,000 square feet). Under the current R-3 zoning, the Planning and Zoning Department would have to permit conversion of any house in this area to up to four dwelling units so long as the proposal complied with building codes, parking, and drainage requirements. Likewise, the Department would have to permit multi-family housing on the vacant properties so long as the proposal met building codes and parking and drainage requirements.

While the covenants on these properties may restrict the use to single-family houses, the Department of Planning and Zoning cannot enforce restrictive covenants. It's not uncommon for restrictive covenants to be more restrictive than the zoning ordinance. The zoning district allows 288 housing units in the R3 zoned streets and 18 on Gabrielle Lane. In other words, this 90 lot area could turn into **306** dwelling units under the current zoning. For this reason, we recommend approval of the rezone to R-1A.

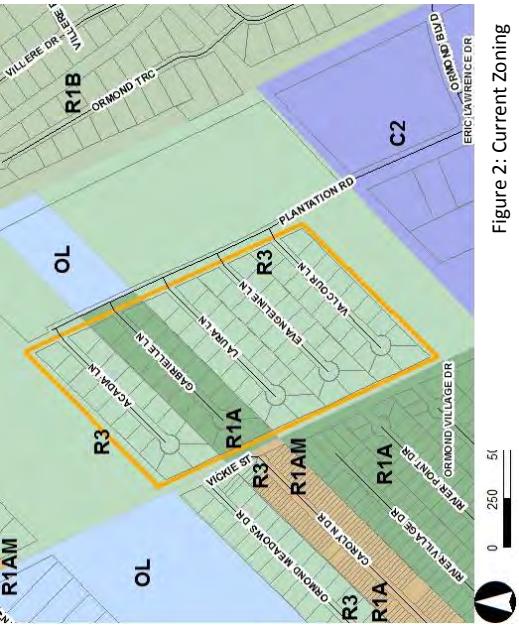


Figure 2: Current Zoning



Figure 3: Vacant Parcels

APPLICABLE REGULATIONS

B. Residential districts, VII. R-3 Multi-family residential:

1. Use Regulations:
 - a. A building or land shall be used only for the following purposes:
 - (1) All uses allowed in the R-2 district. (Ord. No. 88-5-5, 5-16-88)
 - (2) Multi-family dwellings including duplexes, apartments, apartment houses, townhouses, and condominiums.
 - (3) Boarding and lodging houses.
 - b. Special exception uses and structures: As approved by the Planning and Zoning Commission
 - c. Special permit uses and structures:
 - (1) Supplemental C-1 and C-2 uses. (Ord. No. 88-5-6, 5-16-88)
 - (2) Reserved. (Ord. No. 88-5-6, 5-16-88; Ord. No. 95-4-8, § IV, 4-3-95)
 - (3) Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council. (Ord. No. 92-10-9, § VI, 10-5-92)
- Section VI. Zoning district criteria and regulations, B. Residential districts, I. R-1A Single-family residential detached convention homes (medium density), R1-A zoning is described as areas containing one-family dwellings constructed on a permanent foundation, connected to public utilities and which meet the architectural standards of a permanent residence. The district regulations are designed to protect the residential character of the areas by prohibiting all commercial activities; to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches; and to preserve the openness of the areas by requiring certain minimum yard and area standards to be met.*
1. Use Regulations:
 - a. A building or land shall be used only for the following purposes:
 - (1) Site-built single-family detached dwellings
 - (2) Accessory uses
 - (3) Private recreational uses
 - b. Special exception uses and structures include the following:

- (1) Parks, public libraries, fire stations, police or sheriff's stations or substations, and sewer pumping stations.
 - (2) Showing the operation of historic buildings and/or sites and their related activities, provided a certificate from the United States Department of Interior is furnished by the owner verifying that the building and/or site is on the National Register of Historic Places.
- c. Special permit uses and structures include the following:
- (1) Child care centers.
 - (2) Public and private schools (except trade, business, and industrial).
 - (3) Golf courses (but not miniature courses or driving ranges) and country clubs with a site of at least five (5) acres and with all parking at least fifty (50) feet from rear and side property lines.
 - (4) Educational, religious and philanthropic institutions. These buildings must be set back from all yard lines a distance of at least one (1) foot for each foot of building height.
 - (5) Modular, panelized and precut homes, provided that they are placed on a permanent foundation.
- Reserved. (Ord. No. 88-5-6, 5-16-88; Ord. No. 95-4-8, § II, 4-3-95)*
- (6) Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council. (Ord. No. 92-10-9, § I, 10-5-92; Ord. No. 92-12-9, §§ I, II, 12-7-92)

St. Charles Parish Department of Planning & Zoning

LAND USE REPORT CASE NUMBER: PZS-2015-17

GENERAL APPLICATION INFORMATION

◆ **Name/Address of Applicants:**

Sergio Morales
Morales Consulting Group LLC
4041 Arizona Ave
Kenner, LA 70065
504.400.8881
sergio-mcg@consultant.com

◆ **Application Date:** 4/6/15

◆ **Location of Site:**

133 Lakewood Dr, Luling

◆ **Requested Action:**

Resubdivision of Lot 102A Lakewood West Subdivision into Lots 102A-1, 102A-2, 102A-3.

SITE-SPECIFIC INFORMATION

◆ **Size of Parcel:**

9,827.17 sq. ft.

◆ **Plan 2030 Recommendation:**

Consistent with the Future Land Use Map designation which indicates Moderate Density Residential.

◆ **Zoning and Land Use:**

R-3, triplex under construction

◆ **Surrounding Land Uses and Zoning:**

Surrounding Zoning:
R-1A & C-2 across street; R-3 rear and sides;

Surrounding Land Uses:
Church across street; Townhomes on south side;

C-1 use on north side; wetlands to rear.

◆ **Utilities:**

All utilities serve site

◆ **Traffic Access:**

Lakewood Drive

APPLICABLE REGULATIONS

Subdivision Ordinance, Section II. Subdivision Procedure E.4.

C. Minor Resubdivisions.

In instances where a net increase of five (5) or fewer lots is proposed by subdivision or resubdivision and no new or additional public improvements are required, no formal preliminary plat shall be required. However, the presented plan of resubdivision shall conform to requirements outlined in section II.C.3. of this section and shall have spaces provided for the signature of the Council Chairman and the Parish President. Approval requires a recommendation to the Council by the Planning & Zoning Commission, an ordinance by the Council, and certification by the Parish President. The proposal shall be in compliance with all relevant land use regulations, including the St. Charles Parish Zoning Ordinance and Subdivision Regulations, as amended. This authority shall not exceed the limits herein.

Zoning Ordinance Section VIII. R-3. Multi-family residential:

1. Use Regulations:

- a. A building or land shall be used only for the following purposes:
 - (1) All uses allowed in the R-2 district. (Ord. No. 88-5-5, 5-16-88)
 - (2) Multi-family dwellings including duplexes, apartments, apartment houses, townhouses, and condominiums.
 - (3) Boarding and lodging houses.

- b. Special exception uses and structures: As approved by the Planning and Zoning Commission only:

- c. Special permit uses and structures:
 - (1) Supplemental C-1 and C-2 uses. (Ord. No. 88-5-6, 5-16-88)
 - (2) Reserved. (Ord. No. 88-5-6, 5-16-88; Ord. No. 95-4-8, § IV, 4-3-95)
 - (3) Private commercial access roads, upon review by the Planning Commission and supporting resolution of the Council. (Ord. No. 92-10-9, § VI, 10-5-92)

2. Spatial Requirements:

- a. Minimum lot size: Ten thousand (10,000) square feet; minimum width - sixty (60) feet; two thousand five hundred (2,500) square feet per family.
- b. Minimum yard requirements:
 - (1) Front - twenty (20) feet
 - (2) Side - ten (10) feet
 - (3) Rear - twenty (20) feet.
- (4) Whenever property abuts a major drainage canal as defined by the Subdivision regulations the required setback for all structures shall be ten (10) feet measured from the inner boundary of such servitude or right-of-way, notwithstanding any other more restrictive setbacks, this provision shall not apply to any lot of record created and existing prior to the effective date of Ordinance No. 99-12-8, December 15, 1999 (Ord. No. 08-8-9, § VIII, 8-18-08).
- c. Maximum land coverage: Eighty (80) percent (twenty (20) percent green space).
- d. Accessory buildings:
 - (1) Accessory buildings shall be of one story construction not to exceed sixteen (16) feet in height.
 - (2) Accessory buildings shall be located on the same parcel of land as the main structure.
- (3) Nonresidential accessory buildings shall not be permitted.

(Ord. No. 82-3-3, § II, 3-1-82; Ord. No. 12-7-4, § IX, 7-2-12)

- e. Permitted encroachments:

- (1) Overhangs projecting not more than twenty-four (24) inches, excluding gutter.
- (2) Stairs and landings not more than three (3) feet in height, projecting no more than four (4) feet into required front or rear yard.

(Ord. No. 82-3-3, § II, 3-1-82)

3. Transportation System: Servitude of access, local, or collector street.

4. Special Provisions:

- a. Where any multi-family residential district (R-3) abuts any residential zoning district or use, a six-foot-high solid wood fence or masonry wall shall border the same and there shall be a buffer strip ten (10) feet wide designated and maintained on the site planted with plant materials acceptable for buffer zones. (Ord. No. 82-6-9, § III, 6-7-82)
 - b. 1. Townhouses: Single-family attached dwellings on individual lots for sale served by servitudes of access or fronting a public street.
 - (a) Location: In R-3 districts, townhousing shall be allowed.
 - (b) Procedure: Applicants wishing to subdivide existing multi-family lots into townhouse lots shall file for subdivision as per section II, subsection B.4., of St. Charles Parish Subdivision Regulations (Appendix C).
 - 2. Site Plan and Design Criteria, Details:
 - (a) Minimum width for the portion of the lot on which the townhouse is to be constructed shall be twelve (12) feet.
 - (b) Minimum yard requirements:
 - (1) Front—twenty (20) feet.
 - (2) Side—ten (10) feet.
 - (3) Rear—twenty (20) feet.
 - (4) Area—twenty-five hundred (2500) square feet.
 - (c) Each townhouse shall have its own rear yard of at least one hundred twenty (120) square feet. When rear parking is provided it shall be reasonably secluded from view from a street, parking area or from neighboring property. Such yard shall not be used for any accessory building.
 - (1) Grouped parking facilities: Insofar as practical, off-street parking facilities shall be grouped in bays, either adjacent to access drive or in the interior of blocks. Adequate drainage shall be provided by developers in connection with common parking facilities, and all such facilities shall be improved to parish standards for off-street parking areas, with at least two (2) spaces per unit on the lot plus one (1) visitor parking space per each two (2) units.

(2) Courts, Open Space, and Recreational Areas: A minimum of two hundred (200) square feet per dwelling unit of recreation space must be provided. At the discretion of the director, recreation space may not be required provided that the developer pay a two hundred dollar (\$200.00) recreation fee per unit to the parish for the development of recreational facilities.

3. Utilities and Landscaping: Design and construction of drives, drainage, and location of utilities shall be subject to review and approval by the Planning and Zoning Department. A minimum of twenty (20) percent of the site must be appropriately landscaped.
 - (1)[a] Interior access drives shall be at least twenty-two (22) feet wide for two-direction drives or twelve feet with one-direction drive and must be properly drained.
 - (2)[b] Parking areas shall conform to section VIII of the St. Charles Parish Zoning Ordinance.
 - (3)[c] Before approval of the final subdivision plat, restrictions shall be submitted, including designation of all servitudes, lot lines, parking areas and other open spaces, with provision for perpetual maintenance of all improvements, including pavements, landscaping, utilities and servitudes. The above items will be filed with the resubdivision of the R-3 parcel.
 - (4) Buffer zone: There shall be a six-foot solid wood or masonry fence along the sides and rear of the property wherever it adjoins any single-family residential zoning district.

(Ord. No. 88-3-9, 3-7-88)

ANALYSIS

This request seeks to subdivide an existing lot zoned R-3 into 3 separate lots so that each townhome unit currently being constructed will be situated on individual lots.

All lots exceed the minimum 2,500 square foot area requirements:

Lot 102A-1 is 3,637.34 square feet;
Lot 102A-2 is 2,522.50 square feet;
Lot 102A-3 is 3,667.33 square feet;

All lots exceed the minimum 20-foot width requirements:

Lot 102A-1 is 30.11 feet wide;
Lot 102A-2 is 21.50 feet wide;
Lot 102A-3 is 32.11 feet wide.

Rear yard of at least 120 square feet:

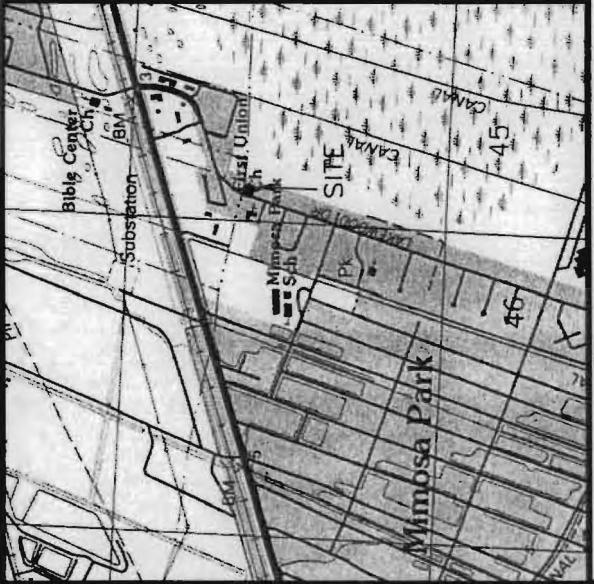
Lot 102A-1 rear yard is approximately 687 square feet;
Lot 102A-2 rear yard is approximately 536 square feet;
Lot 102A-3 rear yard is approximately 689 square feet;

All lots exceed the minimum 2.5 parking spaces per unit:
Each has at least 3 parking spaces.

As a 3-unit townhome site, the land use will not conflict with the Future Land Use Map indication of the vicinity as moderate density residential. The land use is consistent with some of the neighboring uses as well. In fact, it abuts a 4-plex on the south side lot line. There is also a significant gap between demand for and the availability of townhome units. Thus, approving this request would add a few more units to the housing stock.

DEPARTMENTAL RECOMMENDATION

Approval.



APPROVALS

St. Charles Parish Planning and Zoning
Commissioner Chairman

Date _____

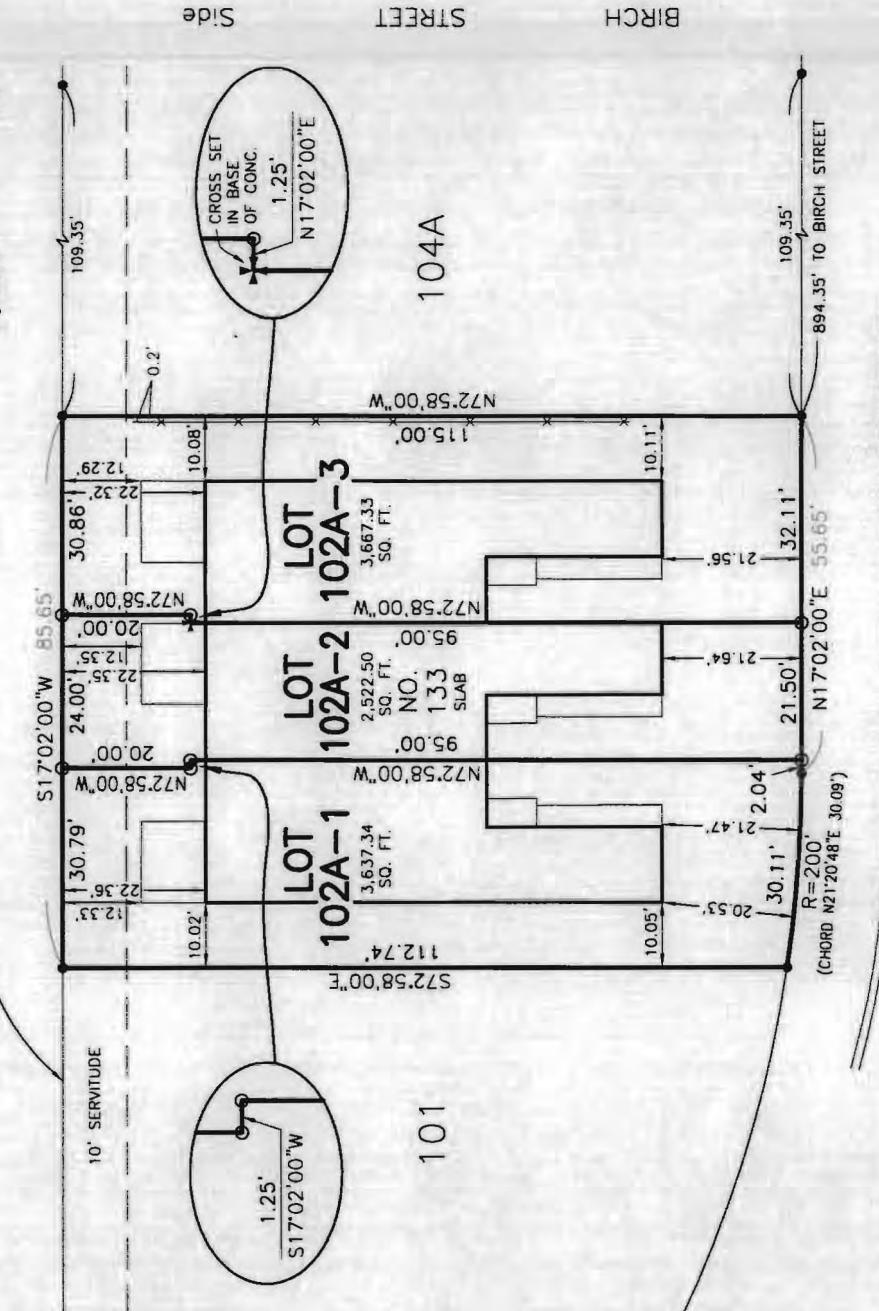
Date _____

St. Charles Parish President

Date _____

Recorded in The Clerk of Court's Office
St. Charles Parish on the ____ day of
_____, in Book _____
Folio _____, Entry # _____

EASTERN BOUNDARY OF SUBDIVISION



LAKEWOOD DRIVE

40' CONC. ROWW.

NOTE:
ALL NECESSARY SEWER, WATER
AND/OR OTHER UTILITY EXTENSIONS,
RELOCATIONS OR MODIFICATIONS
SHALL BE MADE BY AND SOLELY AT
THE LOT OWNER'S EXPENSE.

LEGEND
● = 1/2" IRON ROD FOUND
○ = 1/2" IRON ROD SET
+ = CROSS SET
* = FENCE
BEARINGS ARE BASED
ON REFERENCE PLANS

**RESUBDIVISION OF LOT 102A
LAKEWOOD WEST SUBDIVISION
INTO LOTS 102A-1, 102A-2 & 102A-3
IN SECTION 46, T13S - R21E
ST. CHARLES PARISH, LOUISIANA**

SCALE: 1" = 30'

CERTIFIED TO MORALES CONSULTING GROUP LLC,
FIRST AMERICAN BANK AND TRUST,
LOUIS G. AUTHEMENT
& FIRST AMERICAN TITLE INSURANCE CO. OF LOUISIANA

1. RESUBDIVISION OF LOTS 102, 103 &
104 LAKEWOOD WEST SUBDIVISION
INTO LOTS 102A AND 104A BY LUCIEN
C. GASSEN, DATED MAR. 4, 1983
2. SURVEY OF LOT 102A LAKEWOOD
WEST SUBDIVISION BY LUCIEN C.
GASSEN, DATED DECEMBER 22, 2014,
UPDATED FEBRUARY 5, 2015 &
MARCH 5, 2015

The servitudes shown on this survey are limited
to those set forth per reference plats and there
is no representation that all applicable servitudes
are shown hereon. No title search or public
record search was made in compiling this
survey.

This is to certify that I have consulted
the Flood Insurance Rate Maps and found
that this property is in Zone X.

LUCIEN C. GASSEN, PLS
Registration No. 353
(985) 785-0745
1026 Gassen Street
Luling, Louisiana 70070



Requested by: Morales Consulting Group, LLC
Resub into Lots 102A-1, 102A-2, 102A-3

N



0 15 30 60 90 120
Feet



St. Charles Parish Department of Planning & Zoning

SUBDIVISION ORDINANCE AMENDMENT REPORT

CASE NUMBER: PZO 2015-02

Introduced by Paul Hogan, PE, Councilman, District IV

To amend the subdivision regulations to correct the definition of "Planned Industrial Park" and revise subdivision application fees.

Planning and Zoning context:

- The Department has provided additional markup as shown below to clarify and simplify some of the language.
- The Department recognizes the need for the revised definition which will correct a noticeably deficient aspect of the Zoning Ordinance.
- The Department has a neutral position on the revisions to the fee structure.
 - Typically we would survey surrounding communities and consult with other local governments to determine appropriate fee structures. The Ordinance as proposed essentially sets fees equally across the various subdivision actions. We note that the process for subdividing residential, commercial, or industrial land is effectively the same in regards to review time. However, there is standing practice both here and across the Country for variations in fee structure depending upon the land use associated with Planning applications. This variation is usually justified by the potential impact of land use actions on more intense zonings.

Potential outcomes:

1. The proposed definition closes a potential loophole in the Zoning Ordinance.
2. The proposed fee changes will reduce department revenue and affect budgeting.
3. The ongoing UNO update of the Zoning Ordinance, which intends to provide recommendations on our fee structure, may significantly differ from what is proposed here. A higher proportional increase to the Subdivision fees could require consideration by Council at a later date.

2015-

INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV
ORDINANCE NO. _____

An ordinance of the Parish of St. Charles providing that the Code of Ordinances, Parish of St. Charles, be amended by revising Appendix C, the St. Charles Parish Subdivision Regulations of 1981, I. General., B. Definitions: to add Commercial Subdivision, Commercial Development Subdivision, Industrial Area Status, Industrial Subdivision, and Industrial Development Subdivision, and to amend V. Administrative., A. Fees, 1, 2, and 4.

WHEREAS, an amendment was made to Appendix C of the St. Charles Parish Subdivision regulations with Ordinance 00-5-9 to establish procedures relative to the subdivision of industrial property having Industrial Area Status; and,

WHEREAS, properties having Industrial Area Status are industrial properties that are responsible for all drainage, construction and maintenance of streets, sewers, and sewerage systems, fire protection, street lighting and garbage collection; and,

WHEREAS, the codes does not provide for a definition of Industrial Area Status and requires additional definitions required for clarity; and,

~~WHEREAS, the codes do not clearly provide for the fees division of commercial properties that are responsible for all drainage, construction and maintenance of streets, sewers, and sewerage systems, fire protection, street lighting and garbage collection; and,~~

WHEREAS, the process of the resubdivision of commercial and industrial property ~~not having Industrial Area Status~~ is equivalent to the process of that for a residential subdivision; and,

WHEREAS, the code does not provide for fees associated with the administrative subdivisions; and,

WHEREAS, it is the desire of the Council to establish fees for administrative resubdivision; and,

WHEREAS, it is the desire of the Council to amend the code as noted below.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That the Code of Ordinances, Appendix C, the St. Charles Parish Subdivision Regulations of 1981, I. General, B. Definitions: to add Commercial Subdivision, Commercial Development Subdivision, Industrial Area Status, Industrial Subdivision, and Industrial Development Subdivision, and to amend V. Administrative., A. Fees, 1, 2, and 4 is hereby amended as follows:

AS WRITTEN:

V. Administrative.

A. Fees:

- At the time of filing a Preliminary Plat for a residential subdivision, a fee of one hundred dollars (\$100.00) plus twenty dollars (\$20.00) for each lot included in the subdivision shall be charged. Residential subdivisions containing five (5) lots or less shall be charged a fee of fifty dollars (\$50.00) plus ten dollars (\$10.00) per lot.

2. At the time of filing a preliminary plat or a resubdivision request for a commercial or industrial subdivision, or a planned industrial park, a fee of one hundred dollars (\$100.00) plus one hundred dollars (\$100.00) for each acre or fraction thereof included in the subdivision shall be charged up to a maximum fee of \$5,000.00.

4. Prior to Council approval of the final plat, the Parish shall be reimbursed by the developer for all contractual fees incurred in association with any preconstruction phrase technical reviews or inspections of any residential, commercial, or industrial subdivision, or any planned industrial park. Examples of such preconstruction technical reviews or inspections include, but are not limited to, Parish reviews of preliminary plats, drainage impact analyses, subdivision drainage designs, etc. The Director of the Department of Planning and Zoning shall establish, on an annual basis, a maximum fee schedule for preconstruction reviews and inspections based on subdivision acreage and average lot size for both residential and commercial/industrial subdivisions.

REVISED:

B. Definitions:

Planned Industrial Park. A development of land, used primarily for industrial and related uses, under unified control, that is planned and developed as a whole operation or programmed series of development stages.

V. Administrative.

A. Fees:

1. At the time of filing a Preliminary Plat for ~~a residential, commercial, or industrial subdivision or a resubdivision of such properties~~, a fee of one hundred dollars (\$100.00) plus twenty dollars (\$20.00) for each lot included in the subdivision shall be charged. ~~Residential~~ Minor Subdivisions ~~containing five (5) lots or less~~ shall be charged a fee of fifty dollars (\$50.00) plus ten dollars (\$10.00) per lot. **For any administrative resubdivision of lots created under this provision, a fee of fifty dollars (\$50.00) plus ten dollars (\$10.00) for each lot included in the subdivision shall be charged.**
2. At the time of filing a preliminary plat for ~~a resubdivision request for a non-residential or industrial subdivision with industrial area status as defined by State Statute~~, or a planned industrial park, a fee of one hundred dollars (\$100.00) plus one hundred dollars (\$100.00) for each acre or fraction thereof included in the subdivision shall be charged up to a maximum fee of \$5,000.00. **For any administrative resubdivision of lots created under this provision, a fee of one-hundred dollars (\$100.00) plus twenty dollars (\$20.00) for each lot included in the subdivision shall be charged.**
4. Prior to Council approval of the final plat, the Parish shall be reimbursed by the developer for all contractual fees incurred in association with any preconstruction phrase technical reviews or inspections of any ~~residential, commercial, or industrial~~ subdivision or any planned industrial park. Examples of such preconstruction technical reviews or inspections include, but are not limited to, Parish reviews of preliminary plats, drainage impact analyses, subdivision drainage designs, etc. The Director of the Department of Planning and Zoning shall establish, on an annual basis, a maximum fee schedule for preconstruction reviews and inspections based on subdivision acreage and average lot size for ~~both residential and commercial/industrial~~ subdivisions.

Comment [P&Z4]: The Department supports this needed definition into the Zoning Ordinance.

Comment [P&Z5]: Under the proposed revisions, these designations are not necessary.

Comment [P&Z6]: This is redundant and should be removed.

Comment [P&Z7]: Minor Subdivisions are defined by this section in more detail than here.

Comment [P&Z8]: We recommend that this be struck as it does not clarify what Administrative Resubdivisions do.

Comment [P&Z9]: We recommend further reduction in this portion.

SECTION II. That the foregoing provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the Parish of St. Charles as an addition or amendment thereto, and the provisions shall be appropriately renumbered to conform to the uniform numbering system of the Code.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

And the ordinance was declared adopted this _____ day of _____, 2015, to become effective five (5) days after publication in the Official Journal.

2015 - (1-8-15) Amend Code Appendix C Section V Administrative (I) PH (01-07-15)

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ REC'D BY: _____